

1972 *Journal* JOURNAL

OF THE

C O U N C I L

OF THE

TERRITORY OF WASHINGTON:

TOGETHER WITH THE

MEMORIALS AND JOINT RESOLUTIONS

OF THE

FIRST SESSION OF LEGISLATIVE ASSEMBLY,

BEGUN AND HELD AT

OLYMPIA, FEBRUARY 27TH, 1854,

AND OF THE

INDEPENDENCE OF THE UNITED STATES, THE SEVENTY-NINTH.

OLYMPIA:
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1855.

JOURNAL

OF THE

COUNCIL.

MONDAY, February 27th, 1854.

Pursuant to the Proclamation of his Excellency, Isaac I. Stevens, (which *vide* Appendix,) Governor of Washington Territory, issued on the 28th day of November, A. D. 1853, the members elect for the Council of said Territory, convened at Olympia, in the Hall prepared for them, on Monday, February 27th, at 10 o'clock A. M.

For a temporary organization, the Hon. Seth Catlin was called to the Chair, and George Gallagher appointed Clerk, *pro tempore*.

The following named members were present, viz:—

From Clarke County—D. F. Bradford and Wm. H. Tappan.

“ *Lewis and Pacific*—Seth Catlin and Henry Miles.

“ *Thurston*—D. R. Bigelow and B. F. Yantis.

“ *Pierce and King*—Lafayette Balch and G. N. McConaha.

Who were severally qualified by the Hon. Victor Monroe, Associate Justice of the Supreme Court of Washington Territory.

[A certificate was presented that Hon. Wm. T. Sayward was elected a member from the district composed of the Counties of Jefferson and Island, but Mr. Sayward was absent.]

On motion of Mr. Tappan,

Council proceeded to the election of a President.

The Hon. G. N. McConaha, of King County, receiving a majority of votes, was declared elected, and

The Chairman appointed Messrs. Tappan and Miles to conduct him to the Chair.

Then adjourned till 2 o'clock P. M.

AFTERNOON SESSION.

On motion of Mr. Bigelow,

Council proceeded to the election of a Chief Clerk.

Mr. Bigelow nominated R. H. Lansdale, of Island, and Mr. Yantis nominated Elwood Evans, of Thurston.

On the first ballot, Lansdale received four votes, and Evans four.

There being no choice, several ballots followed, with the same result, when

Mr. Balch nominated M. H. Frost, of Pierce.

On the next ballot, Evans received four votes, Lansdale three, and Frost one.

After the ninth ballot,

On motion of Mr. Tappan,

Council took a recess for thirty minutes.

On resuming their session, Council proceeded to the tenth ballot for Chief Clerk, with the same result.

Eight more consecutive ballotings resulting without a choice,

On motion of Mr. Bradford,

Council adjourned till 9 o'clock A. M. to-morrow.

GEORGE GALLAGHER,

Clerk Council, *pro tem.*

TUESDAY, February 28th, 1854.

Council met pursuant to adjournment.

Present Messrs. Bradford, Balch, Bigelow, Catlin, McConaha, Miles, Tappan, and Yantis—George Gallagher, Chief Clerk, *pro tem*.

On motion of Mr. Catlin,

Council resumed balloting for Chief Clerk.

First ballot, Evans received four votes, Lansdale three, and Frost one.

Three ballots ensued with the same result, when

Mr. Yantis withdrew the name of Mr. Evans.

Mr. Tappan nominated C. C. Hewitt; and

Mr. Balch withdrew the name of Mr. Frost.

On the next ballot, Lansdale received four votes, and Hewitt four.

After two ballotings, with a like result, Mr. Hewitt was withdrawn, and M. H. Frost re-nominated.

On the next ballot, Frost received five votes, and Lansdale three.

M. H. Frost having received a majority, was declared duly elected, was qualified, and entered upon the performance of the duties.

On motion,

The Council proceeded to elect an Assistant Clerk.

Mr. Yantis nominated A. N. Hamm, and

Mr. Miles nominated U. E. Hicks.

Mr. Hicks received five votes, and Mr. Hamm three.

Mr. Hicks was duly qualified, and entered upon the discharge of his official duties.

Council proceeding to elect a Sergeant-at-Arms,

J. L. Mitchell, of Lewis, received a majority of votes, was sworn in, and entered upon the discharge of his duties.

On motion of Mr. Tappan,

Council proceeded to ballot for a Door Keeper, which

After several ballots, resulted in the election of W. G. Osborn, of Thurston, who was sworn into office.

On motion of Mr. Catlin,

The Clerk was instructed to inform the House that the Council had organized, by the election of the following officers, viz:—

Hon. GEORGE N. MCCONAHA, King County, President.

MORRIS H. FROST, Pierce County, Chief Clerk.

URBAN E. HICKS, Thurston County, Assistant Clerk.

J. L. MITCHELL, Lewis County, Sergeant-at-Arms.

W. G. OSBORNE, Thurston County, Door Keeper.

And that the Council was now ready to proceed to business.

Then adjourned till 2 P. M.

AFTERNOON SESSION.

Message from the House, informing the Council of the passage of the following resolution, to-wit:

Resolved by the House, the Council concurring, That a committee of two from the House, and a like number from the Council, be appointed to wait upon the Governor, and inform him that the Legislature is now organized, and ready to receive any communication from him he may be pleased to make.

The resolution was adopted, and Messrs. Catlin and Yantis were appointed on the part of the council.

The committee retired, returned, and through Mr. Catlin, reported that they had called upon the Governor, and that he was now in waiting to deliver a message.

Message from the House, inviting the Council to seats in the Hall of the House, on the right of the Speaker's Chair, to hear in joint meeting the message of his excellency Governor Stevens.

Council repaired to the Hall of the House, where Governor Stevens delivered, in person, the following message:—

*Fellow citizens of the Legislative Assembly
of the territory of Washington:—*

In obedience to your call, I take pleasure in communicating information in relation to the condition and resources of this Territory, and in making suggestions in relation to its amelioration and development. Inexperienced in civil duties, and just entered on the threshold of a new field of activity and exertion, this duty is discharged with undissembled diffidence but with trust in the generous confidence of the citizens of this Territory, and in the determination of my will to serve them with fidelity, with energy, with all the powers for which I am accountable to the great Director of Events.

I congratulate you, fellow-citizens, for the auspices under which our beautiful domain has been organized into a government of its own—the youngest of the American confederacy. The outpost of the great North-west, looking on the Pacific and on Hudson's Bay, having the elements of a great and varied development, commerce, manufactures, agriculture and the arts, it has received the name of the Father of his Country, and has had the impulse of its life at a great era of American progress and civilization.— Its name, its geography, its magnificent waters are known throughout the land. The emigrant looks forward to it as his home ; princely merchants as the highway of the trade of nations ; statesman and patriots as a grand element of national strength and national security. Our whole people have risen in their strength and are now reducing to subjection the vast wilderness between the two Oceans, and binding our people together with iron roads. The Eagle of our country's majesty has winged his course to the distant East, and Japan, China, Australia and Hindostan will be brought into fraternal and mutually beneficial communion with us. In this great era of the World's history, an era which hereafter will be the theme of epics and the torch of eloquence, we can play no secondary part, if we would. We must of necessity play a great part if we act at all.

With this conviction of the significance of the agencies at work to develop the glorious future of our Territory, I accepted the trust of organizing it from the hands of men in whose judgment, patriotism and commanding ability, I placed the utmost reliance. This trust has thus far been discharged with the most sincere purpose and desire on my part to do justice towards all portions of the Territory, and to guard against those sectional jealousies which often have been the bane of commonwealths. The courts have been established, the elections have been held and you are about to enter upon the highest duties which can be discharged by man in his political capacity, as the representatives of a people torn by no civil strifes, agitated by no provocations of injustice, but united in interests, in sympathies, in the noble purpose of union for the sake of the common good.

The duty which has been assigned to me of exploring this Territory and the country eastward to the Mississippi to determine the question of the practicability of a rail road route has placed me in possession of its general character and condition. With the aid of the able and experienced scientific corps associated with me, information has been obtained of the great part of its geography, of the nomadic tribes within its borders, of the land adapted to settlement, of the roads that should be opened to facilitate emigration, of its minerals, its forests, its fisheries and its capabilities of manufacturing. With this information, I can with confidence urge upon you, the representatives of the people of this Territory, the memorializing Congress for the vigorous application of its general policy to this Territory,

and for those incidental aids which are always accorded to new Territories by the general government as the principal proprietor of the soil.

We have difficulties of communication growing out of the mountain ranges which extend from north to south through the Territory, of the extraordinary forests which abound, and the numberless streams which water the country, and we are almost, in the winter season, without communication with the States in consequence of the extreme inefficiency and defectiveness of the mail arrangements.

The Indian title has not been extinguished, nor even a law passed to provide for its extinguishment east of the Cascade mountains. Under the land law of Congress it is impossible to secure titles to land, and thus the growth of towns and villages is obstructed, as well as the development of the resources of the Territory. The surveys of the public lands are languidly conducted, and only by the most vigorous course, the adoption of proper methods, and an efficient and distinct organization can the wants of the people of the Territory be supplied. Yet our settlements cover all portions of the Territory, the emigrant under the land law is not restricted in the location of his claim, and the necessity of the promptest action on the topics referred to is obvious to all.

Roads connecting the Columbia river and the Sound, extending from the Falls of the Missouri at the head of navigation, to connect with the road from Walla Walla to Steilacoom—which has already been commenced and should be completed—would afford easy access to emigrants whether they reach the territory by the South pass or the Northern route. From the Falls of the Missouri to the crossing of the Columbia river, the route would pass through a well grassed and well watered country, with sparse wood for only some six or seven days, and with scanty grass some two or three days. In giving it the most direct course to connect west of the of the Columbia river with the road from Walla Walla to the Sound, a branch should be extended to Walla Walla and be continued down the Columbia to Columbia City. The road over the Cascades should branch to some of the most important points on the Sound. The importance of a suitable road from the Columbia river to the Sound, the great thoroughfare of the Territory and the line of connection with Oregon, must be obvious. This route continued along the eastern shore of the Sound to Bellingham Bay, of which the road over the Cascades will furnish a link, would in connection with the labors of our citizens in their Territorial and county capacities provide adequately for the emigration of the coming year.

The roads recommended pass through or are in direct connexion with the valley west of the Rocky mountains extending from the 46th parallel far into English territory, and giving some 1500 or 2000 square miles of arable prairie land, beautifully watered, having a mild climate, and within

reach of inexhaustable forests—with many rich prairies on Clark's Fork—with the Cœur d' Alene prairie and Spokane plain, having 2000 square miles of arable and pasture land—with the Colville valley sixty miles long, and rejoicing already in a flourishing settlement—with the Walla Walla and Yakama vallies—with the country on the Puyallup, the White, the Green, the Duwamish, the Scagitt, the Neuksark rivers and the country bordering Lake Washington, back of Seattle, and the numerous valleys from the head of the Sound to the Columbia river, Gray's Harbor and Shoalwater Bay, furnished by the Cowlitz, the Black, the Chehalis, the Wylapa, Gray's river, the Columbia and their several tributaries.

In memorializing for these roads, their importance to the people of the whole country who, by invitation of Congress, are coming to this Territory, to enable them to gain access to desirable locations without personal suffering and loss of property should be presented in the strongest terms.

For similar reasons I will recommend that Congress be memorialized to establish the office of Surveyor General of this Territory, to make liberal appropriations for the prosecution of the land surveys, and to direct the adoption of methods by which surveys of all the desirable valleys throughout its entire border may be made as soon as the attention of emigrants is called to them. By a vigorous effort, the land surveys may be kept in advance of settlement, and the economy of public and private interests demand it.

I would propose that the land laws be so modified that title may be received either by payment of the minimum valuation, by continuous residence for one year, or by improvements equal to the minimum valuation, and that single women be placed on the same footing with married women. No person to secure title in this way but once, but that no interference whatever be had with one of the essential incidents of proprietorship, that of transfer or alienation.

Especially would I recommend that Congress be memorialized to continue the geographical surveys which have been instituted, till the whole geography of the country and its resources be entirely developed. This information is an indispensable preliminary to a proper organization of the land surveys. A special appropriation for the completion of the geological survey which is already well entered upon, will be of great consequence to settle all disputes in relation especially to the coals of the Territory, which I am satisfied are inexhaustible, of good quality and will be a vital element in our prosperity. At the same time these explorations are being made, it would not only be highly advantageous and give a more complete development of our territory to run the boundary lines separating it from the British dominions on the north and Oregon on the south, but the gravest considerations of public policy demand it. Our boundary line has

been called in question, and it is important that a joint commission, clothed with full powers, should adjust it. Valleys on the dividing line of the two Territories are now filling up, and to prevent future difficulties it is important that the settler should know of which Territory he is a citizen, and that the Indian officers of the Government should understand the extent of their jurisdiction.

The magnificent and gigantic enterprise of connecting the Mississippi and the Pacific with iron roads is now engaging the attention of the Government and the people of the United States, and is on the eve of its accomplishment. In my judgment, with such aid as the government can rightfully furnish as a proprietor in making surveys and in granting lands, the energies of our people are adequate to building not simply one, but three or four roads. Our commerce doubles in seven years, our railroads in four or five years, and we have reason to believe that for some years to come this rate of increase will be accelerated. Roads must be built simultaneously to the great harbors on the Pacific, San Francisco and Puget Sound, if practicable routes are found. I can speak decisively as to the Northern route, and I have no doubt that surveys will establish the entire practicability of the Southern and many intermediate routes. The best interests of the country will be advanced by the ascertaining many practicable routes, and the necessities of the times imperiously demand that the roads now running westward should not be stayed in their course till they reach our western shores. I am firmly of opinion, however, that these great undertakings should be controlled and consummated by the people themselves, and that every project of a Government road should be discountenanced.

Allusion has been made to our defective mail arrangements. For six weeks the present winter has this territory been without communication with the States. Yet in this interval sailing vessels reached Seattle from San Francisco and brought to that port information on the 12th of January which only reached the same place by mail more than six weeks subsequently.

There are reasons growing out of the condition of the Territory which call for an efficient mail service by steamers. There are nearly five thousand Indians on the shores of the Sound, a large revenue district with innumerable ports affording facilities to the invasion of the revenue laws and a disputed Territory. The entrance to the Sound is in common with a foreign possession to the North, wielded by an almost despotic sway, and the abode of large bands of warlike aborigines. For the management of public business, for the protection alike of the Indian and the settler, for the enforcement of the revenue laws and for the upholding the dignity and the integrity of national and territorial rights, it is essential that a line of

steamers should run direct from San Francisco to Puget Sound and that an effective mail service by steamers be organized on the Sound itself. The portion of the Territory on the Columbia river will be provided for by the existing arrangements, let them only be carried out with a due regard to express stipulations. I trust that this measure may be urged on Congress with the unbroken strength of the territory and with such emphasis as to carry conviction and insure success.

There are in this Territory some ten thousand Indians, in about equal proportions on either side of the Cascade Mountains, for the most part a docile, harmless race, disposed to obey the laws and be good members of the State. I will recommend the memorializing Congress to pass a law authorizing the President to open negotiations with the Indians east of the Cascades, to provide for the extinguishment of the title to their lands, and to make ample appropriations to actually extinguish their title throughout the Territory, reserving to them such portions as are indispensable to their comfort and subsistence.

In the matter of legislation, I would suggest that, as there seems to be some ambiguity as to the state of Statute Law at present in force in this Territory, some course be adopted which, while it frees us from the present uncertainty, shall not render the community entirely destitute of the law. Such a result might be effected, by enacting such of the laws of Oregon as still remain applicable to this Territory, and by having at the same time suitable persons occupied in preparing such acts as the present exigencies may need. In reference, however, to local laws, I will advert to the strong necessity that exists for organizing into counties the whole eastern portion of the Territory, and for making new counties, and in some cases running new county lines in the portions of the Territory already organized. The passing of a suitable election law, the assigning the judges and the judicial districts, and the other matters referred to in the Organic Law, will, of course, engage your attention.

I also call your attention to the rights of the Hudson's Bay Company and the Puget Sound Agricultural Company, and the position they occupy in this Territory. They have certain rights granted to them by the treaty of 1846, to the security of which the faith of the United States is pledged. It certainly cannot conduce to the welfare of this Territory to have situated in our midst a foreign corporation, usurping a large proportion of the trade, and annually carrying off great amounts of specie from the country. And the possessions confirmed to the Puget Sound Agricultural Company are of so vague and uncertain a nature in their limits, that they must necessarily give rise to many disputes between the Company and the settlers, and tend to retard the settlement of many portions of the Territory. It will be of importance to acquire as accurate a knowledge as pos-

sible of the amount of territory actually in possession of the Puget Sound Agricultural Company at the date of the treaty, and the present value thereof, with the design of memorializing Congress upon the subject, in order to extinguish their title, if it shall be deemed expedient.

In regard to the Hudson's Bay Company, great difficulty it is apprehended, cannot occur. Their right to trade with Indians is not recognised, and will no longer be allowed. Under instructions from the Secretary of State, I have already addressed a note to them on this subject, and have allowed them until the first of July next, to wind up their affairs. After that time, the laws regulating intercourse with the Indians will be rigidly enforced.

By the census taken preliminary to the organization of the government, the whole number of inhabitants was 3,965, and the number of qualified voters 1,682. Since this time the population has very considerably increased, and a great accession may be expected in the spring, and from the emigration of the coming season. It is suggested that in view of the rapid increase of population, a yearly census will be necessary to apportion the representation, and make adequate provision for county organization.

I have purchased the library of the Territory as provided for in the Organic Law, and the books, which reached the Territory in excellent order, have been placed in a suitable room, in the charge of a gentleman, until the Legislature might make some suitable provision. Care was taken to get the best books in each department of learning, and the Executive of each State and Territory, and many learned societies, were applied to for the donation of their published archives. This application has been very generally responded to, and is worthy of special acknowledgment. Most of the archives are still on their way, and a few of the purchased books.—The number of volumes now in the library, including unbound documents, is about 1850, and when all the books shall have come to hand, the number will probably be about two thousand. A pair of globes, and five mounted maps, have also been purchased for the library, and are in the library room.

The subject of education already occupies the minds and hearts of the citizens of this Territory, and I feel confident that they will aim at nothing less than to provide a system, which shall place within the means of all the full development of the capacities with which he has been endowed. Let every youth, however limited his opportunities, find his place in the school, the college, the university, if God has given him the necessary gifts. A great champion of liberty said, more than two hundred years ago, that the true object of a complete and generous education was to fit man to perform justly, skilfully, and magnanimously, all the offices, both private and public, of peace and war. Congress has made liberal appro-

priations of land for the support of schools, and I would recommend that a special commission be instituted to report on the whole school system.— I will also recommend that congress be memorialized to appropriate land for an university.

It seems to me, also, of the first importance, that a Territorial militia be organized, and that in the higher schools which may be included in an educational system, opportunities be afforded to learn the elements of the military art. The nation depends on the patriotism and the valor of its citizens for defence in time of war. Only a small portion of its members can be organized in times of peace, and that simply to maintain a nucleus which may be indefinitely extended in case of emergency, and to continue the march of these improvements, which have entirely changed the methods of conducting war. An efficient militia system is especially necessary in this distant Territory, which, on the occurrence of war, must, for a time, almost entirely rely upon herself. A general enrolment of the militia, the organization of volunteer corps as artillerists and riflemen, in detachments at exposed points, and increased to platoons, companies, battalions, and regiments with the increase of population, two or more heavy guns placed in battery, at points exposed to the attacks of hostile enemies, is recommended as the system adapted to the present scanty population of the Territory. By the laws of Congress, the Territory will be entitled to arms for its militia, and to light guns for its artillery, and it is confidently believed, that in the peculiar exposed condition of this coast, it will furnish heavy guns. I am persuaded that, with such a system, and with governmental aid, to be derived from the efficient military posts, which should serve as schools of the military art to the youth and citizens of the Territory—the establishment of depots of heavy guns and powder on this Sound, and on the Columbia river—from permanent works—and from the services of officers of ability and character in our geographical surveys, and our military roads, no hostile foot will be able to land upon its soil, though we maintain the conflict single handed, without additional aid from home, against whatever power may be brought against us. Let this be our fixed determination, and to it let every step we take in organizing our militia system, tend.

I would invite the special attention of the Legislative Assembly to making some provision for the emigration for the coming year, in providing for Territorial roads, in raising a fund to relieve cases of suffering and distress, and especially to see that timely aid be extended to those who come in late, and who may otherwise perish in the mountains.

Fellow citizens ! We have bright omens to encourage us in our efforts to lay the solid foundations of the prosperity of this Territory. The intelligence and the virtue of our citizens, which are so strikingly exhibited,

the kind, social relations, which unite them, their deep interest in the prosperity of their social communities, and the labor which they freely tender for the common good, in opening roads, in establishing schools, in giving aid to the stranger, all these give us reason to believe that here the young blossoms of our youth will yield a glorious fruit, and that here the dignity of our nation, the worth of liberty, and the influence of a lofty intelligence, will be shown in a truly noble theatre. Be assured that, chief magistrate or citizen, my efforts shall be joined with yours, and those of our citizens, to prepare her for the company of that glorious sisterhood of States, which have made the name of America immortal.

(Signed,)

ISAAC I. STEVENS.

Olympia, W. T., Feb. 28th, 1854.

At the conclusion of this message, the Council returned to their chamber, and came to order.

Mr. Catlin moved to lay the Governor's Message on the table.

On motion of Mr. Catlin,

A committee of three were appointed to draft rules for the Council, at their present session, and

The Chair named Messrs. Catlin, Bradford, and Balch said committee.

On motion of Mr. Bradford,

Rules of the Oregon Legislative Council adopted, until the committee could report.

On motion of Mr. Catlin,

The members of the Council proceeded to draw lots, in accordance with the act organizing the Territory, for their respective terms of service.

Lafayette Balch, of Pierce and King, drew first class, one year.

D. R. Bigelow, of Thurston, drew third class, three years.

D. F. Bradford, of Clarke, drew first class, one year.

Seth Catlin, of Lewis and Pacific, drew third class, three years.

Henry Miles, of Lewis and Pacific, drew second class, two years.

George N. McConaha, Pierce and King, drew second class, two years.

Wm. T. Sayward, of Island and Jefferson, drew first class, one year.

Wm. H. Tappan, of Clarke, drew third class, three years.

B. F. Yantis, of Thurston, drew second class, two years.

Message from the House, announcing the passage of a resolution, adopting a Territorial seal.

Resolution read, and

On motion of Mr. Catlin,

Laid upon the table.

Council adjourned till 9 o'clock to-morrow morning.

WEDNESDAY, March 1st, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, McConaha, Miles, Tappan, and Yantis.

The journal was read and approved.

The President announced the following standing committees:

JUDICIARY.—Messrs. Bigelow, Miles, and Catlin.

WAYS AND MEANS.—Messrs. Sayward, Bradford, and Catlin.

EDUCATION.—Messrs. Yantis, Bradford, and Bigelow.

ROADS AND HIGHWAYS.—Messrs. Bradford, Tappan, and Sayward.

CLAIMS.—Messrs. Miles, Tappan, and Sayward.

ELECTIONS.—Messrs. Bradford, Miles, and Balch.

MILITARY AFFAIRS.—Messrs. Balch, Yantis, and Bigelow.

INDIAN AFFAIRS.—Messrs. Yantis, Bradford, and Sayward.

COMMERCE.—Messrs. Balch, Sayward, and Tappan.

COUNTIES.—Messrs. Tappan, Miles, and Balch.

CORPORATIONS.—Messrs. Catlin, Miles, and Sayward.

MEMORIALS.—Messrs. Catlin, Miles, and Tappan.

PRINTING.—Bradford, Miles, and Catlin.

ENGROSSED BILLS.—Messrs. Tappan, Bradford, and Bigelow.

ENROLLED BILLS.—Messrs. Bigelow, Yantis, and Balch.

Mr. Catlin presented a petition from C. A. Thatcher and fifty-eight other citizens of Lewis County, praying for a division of the County.

Read and referred to committee on Counties.

On motion, House resolution relating to Territorial seal, taken up and adopted.

On motion, Governor's Message taken from the table.

Mr. Tappan moved to print five hundred copies. Carried.

Mr. McConaha presented a petition of Wm. Robertson, praying to be appointed pilot for the Straits of Juan de Fuca, Admiralty Inlet, and Puget Sound.

Read, and

On motion of Mr. Miles,

Referred to committee on Commerce.

Mr. Catlin moved that Council adjourn till 10 A. M., to-morrow.

Mr. Tappan moved to amend by inserting 2 P. M., this day.

Amendment carried, and

Then adjourned.

AFTERNOON SESSION.

Mr. Bigelow presented the petition of I. N. Ebey and fifty-four others, praying the Legislature of Washington Territory to memorialize Congress to pass an act, to grant George Bush, a free mulatto, a donation of 640 acres of land, held and cultivated by him.

On motion of Mr. Miles,

Referred to committee on Memorials.

Message from the House, announcing the passage of H. B. No. 1, entitled—an act to provide for the appointment of a board of commissioners, to prepare a code of laws for the Territory of Washington.

Bill read a first time.

Rules suspended, and bill read a second time by title.

Council then resolved itself into committee of the whole, to take up H. B. No. 1.

Mr. Bradford in the Chair.

After some time spent in committee, it rose, reported H. B. No. 1 back with amendments, and asked to be discharged.

Report accepted and committee discharged.

On motion of Mr. Tappan,

H. B. No. 1 laid upon the table.

Message from the House, announcing the passage of a resolution, asking for a joint committee, to draft joint rules, and of a resolution to go into joint meeting March 2d, to elect certain Territorial officers.

On motion of Mr. Tappan,

Council took up resolution to appoint joint committee, on joint rules.

Resolution adopted, and Messrs. Tappan, Yantis, and Bigelow appointed on the part of the Council.

Council then adjourned till 10 o'clock to-morrow morning.

THURSDAY, March 2d, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

Journal of yesterday read and approved.

On motion of Mr. Catlin,

Resolved by the Council, That the Governor, Secretary of the Territory, and the Territorial Judges, be invited to take seats within the bar.

Mr. Catlin introduced the following resolution:

Resolved by the Council, the House concurring, That a joint committee of one from the Council, and two from the House, be required to prepare and report bills for the action of the House and Council, with power to employ one or more clerks.

Lost.

On motion of Mr. Bradford,

Council took up H. B. No. 1—an act to provide for the appointment of a board of commissioners, to prepare a code of laws for the Territory.

Mr. Bradford moved to read the bill a third time now.

On this the yeas and nays were demanded, and the motion prevailed by Ayes—Balch, Bradford, Miles, Tappan, and Yantis—5.

Noes—Bigelow, Catlin, and the President—3.

Bill read a third time, and the question being on its final passage, the yeas and nays were ordered, and were—

Ayes—Balch, Bradford, Miles, Tappan, and Yantis—5.

Noes—Bigelow, Catlin, and President—5.

So the bill as amended was passed, and the title approved.

Mr. Balch introduced the following resolution:

Resolved by the Council of the Territory of Washington, That his excellency, Governor Stevens, be requested to inform this body, how much of the appropriation of twenty thousand dollars, made by Congress, session of 1852-3, for the purpose of constructing a military road from Walla Walla to Fort Steilacoom, has been expended in the opening and construction of said road, and how much of said appropriation remains in his hands, and what, if any, steps will be taken to complete said road.

Resolution read.

Then adjourned till 2 P. M.

AFTERNOON SESSION.

Message from the House, announcing the passage of a resolution, informing Council of the death of Hon. Jehu Scudder, member elect of the House of Representatives, from Pacific County.

Mr. Miles, on leave, introduced the following:—

Whereas, The House of Representatives of the Territory of Washington, have received a message from his excellency, the Governor, advising them of the death of Jehu Scudder, Esq., late a member elect of that body; therefore,

Resolved, That this House sympathize deeply with the family of the deceased, in their late bereavement, and as a testimonial of their further respect, do now adjourn till to-morrow at 10 o'clock A. M.

Mr. Tappan moved that the members of the Council wear the usual badge of mourning for thirty days.

Resolutions, as amended, adopted, and

Council then adjourned.

FRIDAY, March 3d, 1854.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

Journal read and approved.

Mr. Catlin, from the select committee on rules, reported a series of rules and orders, for the government of the Council.

On motion,

The Council resolved itself into committee of the whole, Mr. Catlin in the Chair, to consider said report.

After sitting some time, the committee rose, reported back said report with amendments, and asked to be discharged.

Report received and committee discharged.

On motion of Mr. Bradford,

The rules and orders reported by the committee were adopted, and are as follows:—

RULES AND ORDERS OF THE COUNCIL.

DUTIES AND POWERS OF THE PRESIDENT.

1. The president shall take the Chair at the hour to which the Council shall have adjourned; shall call the members to order; and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members; shall decide all questions of order, subject to an appeal to the Council, on motion regularly seconded; and may vote in all cases.

3. He shall declare all votes; but if any member doubt the vote, the president shall order a return of the Council, with the number voting for and against the question, and declare the result.

4. He shall rise to put a question, or to address the Council, but may read sitting.

5. When the Council shall determine to go into a committee of the whole, the president shall appoint the member who shall take the Chair.

6. He shall propound all questions in the order they were moved, unless the subsequent motion be previous in its nature; except that in filling blanks, and in assigning times for the consideration of business, the largest sum and longest time shall be put first.

7. He shall consider a motion to adjourn as always first in order, and it shall be decided without debate.

8. He shall put the previous question in the following form: " Shall the main question be now put ? "

9. When two or more members rise at the same time, the president shall name the person to speak; but in all cases, the member who shall first rise and address the Chair, shall speak first.

10. All committees, except such as the Council shall from time to time determine to select by ballot, shall be nominated by the president, unless a majority of members be in favor of a nomination by the Council, in which case the nomination shall be made by the Council.

11. Every question of order, which shall be decided on appeal, shall be entered on the journal of the Council, with the decision thereon.

12. The president shall have a right to name a member to perform the duties of the Chair during his absence, but such substitution shall not extend beyond an adjournment.

DUTIES OF SUBORDINATE OFFICERS.

13. All messages from the Council to the House, and to the Governor, shall be carried by the Clerk, unless when the Council shall otherwise decide.

14. In case the President shall be absent at the hour to which the Council was adjourned, the Council shall choose one of their members as President *pro tem*.

15. It shall be the duty of the Sergeant-at-Arms to attend the Council during its sitting, announce all messages, preserve order in the lobby of the Hall, and to execute all processes issued by authority of the Council, and directed to him by the President.

16. The duty of the Door Keeper shall be to carry all messages the Council may require, private as well as public; when requested to call a member of the Council, he shall do so by name; he shall keep the house clean, and have a good fire made therein by the hour of nine o'clock in the morning, when the weather requires it.

17. It shall also be the duty of the Door Keeper to attend the Council during its sittings, to keep the Council Hall and Committee rooms in perfect order, and in all things to execute the commands of the President, and of the Council, from time to time.

DUTIES, RIGHTS, AND DECORUM OF MEMBERS.

18. When any member is about to speak in debate, or deliver any matter to the Council, he shall rise from his seat, and respectfully address himself to Mr. President, and shall confine himself to the question under debate, and avoid personalities. And no member shall impeach the motive of any other member's vote or argument.

19. If any member, in speaking or otherwise, transgress the rules of the Council, the President shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the Council shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to censure upon a vote of two-thirds of the members.

20. If any member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the Council, for words spoken in debate, if any other member has spoken, or other business has intervened, after the words are spoken, and before exception to them shall have been taken.

21. No member shall interrupt another while speaking, except to call to order, or to correct a mistake.

22. When a motion has been once made and carried in the affirmative, or negative, it shall not be in order for any member who voted in the minority, to move for a reconsideration thereof; but any member who voted with the majority, may move to reconsider on the same or the succeeding day. A motion to reconsider shall not be postponed nor laid on the table without a time certain assigned for its further consideration. When a motion for reconsideration has been decided, that vote shall not be reconsidered.

23. No member shall be permitted to stand up, to the interruption of another, while any member is speaking, or other person be permitted to stand in the alleys during the session of the Council.

24. When the lobby of the Council shall be ordered to be cleared, the matter which may occasion such order shall be kept secret by each member, until the Council shall order such injunction of secrecy to be taken off.

25. When any member shall be guilty of a breach of any of the rules and orders of the Council, and the Council has determined he has so trans-

gressed, he shall not be allowed to vote or speak, unless by way of excuse for the same, until he has made satisfaction.

26. No member shall be permitted to vote on any question where his private right, distinct from public interest, is immediately concerned.

27. Every member who shall be in the Council when a question is put, where he is not excluded by interest, shall give his vote, unless the Council, for special reason, shall excuse him; and when the yeas and nays are ordered, no member shall leave his seat until the vote is declared. In all elections by the Council, or in joint ballot of the two houses, no member shall leave his seat, after voting, before a return of the Council is had.

ORDER IN PROCEEDINGS AND DEBATES.

28. After the journals are read, and the roll called, business shall be disposed of in the following order:

Petitions, memorials, and remonstrances.

Reports from standing committees.

Reports from select committees.

Propositions and motions.

Second reading of bills, &c.

Engrossed bills read a third time.

Bills, reports, and other business lying on the table.

Bills and other business from the House.

Other business of the Council.

The orders of the day.

29. The President shall, upon each day, announce to the Council the business in order, agreeably to the preceding rule; and no business shall be taken up or considered, until the class to which it belongs shall be declared to be in order; but reports from the Governor may be read at any time.

30. Every motion shall be reduced to writing, if required by the President, or by any member.

31. When a question is taken by yeas and nays, or a call of the house is made, the names of the members shall be called alphabetically.

32. A motion to non-concur, except upon verbal messages, shall not be in order; but in all other cases of concurrent action, the Chair shall state the question affirmatively, "Will the Council concur?"

33. No new motions or propositions shall be admitted under color of amendment, as a substitute for the motion or question under debate.

34. A motion to strike out, being lost, shall neither preclude amendments, nor a motion to strike out and insert.

35. After a motion or order is stated or read by the President, and seconded, it shall be deemed to be in the possession of the Council, and shall be disposed of by vote of the Council. Any motion or order may be withdrawn by the mover, at any time before a decision or amendment.

36. When a question is under debate, no motion shall be received, but

1st. To adjourn.

2d. To lay on the table.

3d. For the previous question.

4th. To commit.

5th. To amend.

6th. To postpone to a day certain.

7th. To postpone indefinitely.

Which several motions shall have precedence in the order in which they are arranged.

37. The unfinished business in which the Council was engaged at the time of the last adjournment, shall have preference in the orders of the day, and shall continue to be among the orders of the day for each succeeding day until disposed of, and no motion or other business shall be received, without special leave of the Council, until the former is disposed of.

38. No rule or order of the Council shall be altered or repealed, nor shall any new standing rule or order be adopted, unless one day's previous notice thereof be given in each case; and such notice shall be entered on the journal.

39. When a vote, having been declared by the President, is doubted, the members for and against the question, when called on by the President, shall rise and stand till they are counted, and the vote made certain without any further debate. But a call for the yeas and nays shall be in order at any time before such vote is made certain and declared.

40. A member who is absent from his seat when a vote is taken upon any question, shall not afterwards be allowed to vote on that question, except by consent of the Council.

41. All engrossed bills and resolves shall be committed to the standing committee on Engrossed Bills, to be strictly examined, and if found by them to be truly and strictly engrossed, they shall so report to the Council, and the same shall pass to be enacted without any further reading, unless on motion of any member, a majority of the Council shall be in favor of reading the same as engrossed.

COMMITTEES.

42. Standing committees to consist of three members each, except the committee on Judiciary, which shall consist of five members:

- A committee on Elections.
- A committee on Ways and Means.
- A committee on Education.
- A committee on the Judiciary.
- A committee on Claims.
- A committee on Military Affairs.
- A committee on Roads and Highways.
- A committee on Engrossed Bills.
- A committee on Enrolled Bills.
- A committee on Indian Affairs.
- A committee on Commerce.
- A committee on Printing.
- A committee on Corporations.
- A committee on Memorials.
- A committee on Counties.

It shall be the duty of the committee on Elections to examine and report upon the certificates of elections, and other credentials, of the members returned to serve in the Council, and to take into consideration all other matters relative to contested elections which may be referred to them. It shall be the duty of the committee on Ways and Means to inquire into the financial concerns of the Territory, and to make a detailed report of the same, and to take into consideration all such other business as may be referred to them; and each of the other committees shall take into consideration all subjects and matters which may be referred to them.

PETITIONS, MEMORIALS, &C.

43. All petitions, memorials, and other papers, addressed to the Council, shall be presented by the President, or by a member in his place, and shall be indorsed with the name of the person presenting it, and the subject matter of the same. They shall be read by the President, Clerk, or such other person as the President may request, and shall be taken up in the order they were first presented, unless the Council shall otherwise direct.

BILLS, RESOLVES, ETC.

44. No engrossed bill or resolve shall be sent to the House, without notice thereof being given to the Council by the President.

45. No bill shall pass to be engrossed, until it shall have had three several readings; the times for the second and third readings shall be assign-

ed by the Council; but, if no objection is made, the second reading may be by title, and at the time of the first.

46. Any member having obtained leave of absence, and having in his possession any papers relative to the business before the Council, shall leave the same with the Clerk.

47. The chairman of every committee, other than of the standing committee, that shall have business referred to it, shall make a report of its doings therein, within four days after its appointment.

OF THE COUNCIL CHAMBER.

48. No person not a member or officer of the Council, except members of the House, its Secretary and Assistants, the Governor, Secretary, Judges of the Supreme Court, the United States District Attorney, United States Marshal, reporters of the proceedings and debates of the Council, shall be admitted within the Council chamber, unless invited by the President, or some member of Council.

49. In the absence of any resolve or order of the Council, the President shall have the general direction of the Council chamber.

On motion of Mr. Catlin,

The Printing committee were instructed to have twenty-five copies of the rules printed, for the use of the Council.

Mr. Yantis presented the petition of A. N. Hamm and twenty-four others, asking that J. W. Goodell might be appointed a Notary Public, and moved its reference to the committee on Judiciary.

So referred.

On motion of Mr. Tappan,

It was made a standing order that twenty copies of all bills, after second reading, and resolutions, &c., should be printed for the use of the Council, and that the order of committee should accompany each order to print.

Mr. Miles introduced the following:

Resolved, That the committee on Printing cause the rules of the Council, the Governor's message, and all other matter ordered to be printed, to be in pamphlet form, octavo form, so that the same may be uniform for binding together, in one volume, at the close of the session.

Adopted.

Mr. Catlin introduced the following:

Resolved, That the committee on Printing order five copies of the Pioneer and Democrat, for the use of each member of the Council.

Mr. Bradford moved to strike out "five" and insert "ten."

Amendment carried, and resolution, as amended, adopted.

Then adjourned till 2 P. M.

AFTERNOON SESSION.

Mr. Bradford in the Chair.

Mr. McConaha introduced the following resolution:

Resolved by the Council, the House concurring, That our Delegate in Congress be instructed to urge the immediate passage of a law by the Congress of the United States, providing a semi-monthly line of steamers, to carry the mails from San Francisco, via Puget Sound, to Olympia.

On motion, Council took up the Governor's message.

On motion of Mr. Catlin,

So much of said message as relates to the militia, &c., was referred to committee on Military Affairs.

On motion of Mr. McConaha,

So much as refers to postal affairs, was referred to committee on Memorials. Also, so much as relates to roads, be referred to committee on Roads and Highways.

On motion of Mr. Yantis,

So much as relates to Indian affairs, be referred to committee on Indian Affairs.

On motion of Mr. Tappan,

So much as relates to light houses, buoys, &c., referred to committee on Commerce.

On motion of Mr. Yantis,

So much as relates to the Hudson's Bay and Puget Sound Agricultural Companies, be referred to committee on Memorials.

On motion of Mr. McConaha,

So much of the said message as relates to appropriations, &c., for the coming emigration, be referred to the committee on Ways and Means.

On motion of Mr. Catlin,

So much as relates to the agricultural wants, &c., be referred to a select committee of three.

[The President, subsequently to resuming the Chair, announced Messrs. Catlin, Yantis, and Bradford said committee.]

On motion of Mr. Tappan,

So much of the said message as relates to school lands, be referred to the committee on Education.

On motion of Mr. McConaha,

So much as relates to laws, and their enactment, be referred to committee on the Judiciary.

On motion of Mr. Miles,

So much as relates to donation of books, be referred to committee on Education.

The President here resumed the Chair.

Mr. Balch introduced the following resolution:

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be, and he is hereby, requested to exert his influence with the Congress of the United States, to obtain the passage of an act, to establish a marine hospital on Puget Sound, and an appropriation for the construction of the same.

Message from the House, announcing the passage of H. B. No. 3—an act to provide for the appointment of a Librarian, and defining his duties. Bill read a first time.

On motion of Mr. Bigelow,

Rules suspended, and bill read a second time by title.

Laid on the table and ordered to be printed.

Mr. Catlin moved that the question be, "Shall the bill be read a third time?"

Carried.

Message from the House, announcing the passage of a "resolution, relative to his excellency, Isaac I. Stevens, visiting Washington City, if he deemed it expedient."

Resolution read, laid on the table, and made the order for to-morrow morning.

Mr. Bigelow, from the Judiciary committee, reported a bill, C. B. No. 1—an act relating to elections, and the mode of supplying vacancies.

Bill read a first time.

Rules suspended and read a second time by title.

Laid upon the table, and ordered to be printed.

The President announced the appointment of the two additional members of the Judiciary committee, to wit:—Messrs. Tappan and Balch.

Mr. Balch presented a remonstrance, signed by Joseph Cushman and nineteen others, against the appointment of William Robertson, as pilot for the Straits of Juan de Fuca, Admiralty Inlet, and Puget Sound.

Referred to committee on Commerce.

Then adjourned till 10 A. M. to-morrow.

SATURDAY, March 4th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and Mr. President.

Journal read and approved.

The President ordered the following communication to be read:

March 4th, 1854.

To the President of the Council:

Sir:—I herewith tender my resignation to the Council as Door Keeper.

Yours, respectfully,

(Signed,)

W. G. OSBORN.

On motion of Mr. Miles,

Resignation accepted.

On motion of Mr. Bigelow,

Council proceeded, by ballot, to elect a Door Keeper.

Wm. W. Plumb received five votes, and Franklin Kennedy three.

Wm. W. Plumb was declared elected, came forward, and qualified.

Mr. Bigelow, from the Judiciary committee, to whom was referred the petition, signed by A. N. Hamm and others, praying the appointment of J. W. Goodell as Notary Public, reported, by bill, C. B. No. 2—an act creating the office of Notary Public.

Read a first time.

Rules suspended, and bill read a second time by title.

Mr. Bigelow moved to amend by adding section 11:—This act to take effect from and after its passage.

Adopted.

On motion of Mr. Miles,

Rules further suspended, bill read a third time and passed, and title approved.

Joint resolution relative to the Governor visiting Washington City, taken up.

Mr. Bradford moved an indefinite postponement. Upon which,
The Council resolved itself into committee of the whole.

Mr. Balch in the Chair.

After some time spent therein, the committee rose and reported back the resolution, without amendment, and asked to be discharged.

Motion to indefinitely postpone lost.

Mr. Bradford moved to refer to Judiciary committee. Lost.

Mr. Tappan moved to strike out the words “invited and requested,” and insert “permitted.”

The yeas and nays being called, the amendment was lost by the following vote:

Ayes—Balch, Bradford, Tappan, and Yantis—4.

Noes—Bigelow, Catlin, Miles, and the President—4.

On motion of Mr. Balch,

Council adjourned till 2 P. M.

AFTERNOON SESSION.

The resolution, pending at adjournment, being taken up,

Mr. Bradford moved to strike out all after the word "that," and insert, "in their opinion, no disadvantage can occur to the Territory, by his excellency, Governor Stevens, proceeding to Washington City, if, in his judgment, the interests of the Pacific railroad survey, and the affairs incidental thereto, can thereby be promoted."

Mr. Miles moved to amend the amendment, by adding, "and all other matters of interest to the Territory."

On the amendment to the amendment, the ayes and noes were ordered, and it was lost by the following vote:

Ayes—Bigelow, Catlin, Miles, and the President—4.

Noes—Balch, Bradford, Tappan, and Yantis—4.

The question recurring on Mr. Bradford's amendment, the ayes and noes were ordered, and were as follows:

Ayes—Balch, Bradford, Catlin, Tappan, and Yantis—5.

Noes—Bigelow, Miles, and the President—3.

So the amendment was carried, and on the question "shall the resolution as amended be adopted?"

Mr. Miles called the yeas and noes, and the vote was as follows:

Ayes—Balch, Bradford, Catlin, Tappan, and Yantis—5.

Noes—Bigelow, Miles, and the President—3.

So the resolution, as amended, was adopted.

Council then adjourned till Monday, at 10 o'clock A. M.

MONDAY, March 6th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

The journals were read and approved.

On motion of Mr. Yantis,

A select committee of three was appointed, to memorialize Congress on the subject of amending the land laws of this Territory.

Mr. Bigelow introduced the following:

Resolved, That the committee on Memorials be directed by the Council to prepare a memorial to Congress, asking that provisions may be made by law, for the appointment of a mail agent for Washington Territory.

Carried, and referred to committee on Memorials.

On motion of Mr. Bigelow,

Council took up H. B. No. 3—an act to provide for the appointment of a Librarian, and defining his duties, and ordered the same to be printed.

Then adjourned till 2 P. M.

AFTERNOON SESSION.

On leave, Mr. Yantis introduced C. B. No. 3—an act to establish a Territorial road from Olympia, on Puget Sound, to the mouth of the Cowlitz, on the Columbia river.

Read and referred to committee on Roads and Highways.

Mr. Bradford being in the Chair,

Mr. McConaha introduced the following resolution:

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be instructed to urge the immediate passage of a law by the Congress of the United States, providing a semi-monthly line of steamers to carry the mail from San Francisco, via Puget Sound, to Olympia.

Read, and referred to committee on Memorials.

Council then adjourned till to-morrow morning, at 10 o'clock.

TUESDAY, March 7th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

Journal read and approved.

The President announced the appointment of Messrs. Yantis, Miles, and

Balch, as the select committee to memorialize Congress for an amendment of the land law.

Mr. Bigelow presented a petition, signed by John C. Fory and eighty-six others, (of whom eleven were ladies,) praying for the enactment of a similar law to that known as the "Maine Liquor Law."

Read and laid upon the table.

Mr. McConaha presented a petition from citizens of King county, praying for the location of a Territorial road from Seattle to Fort Steilacoom.

Read, and referred to committee on Roads and Highways.

Mr. Bigelow, from the Judiciary committee, reported C. B. No. 4—an act creating a board of County Commissioners, and defining their duties.

Read a first time.

Mr. Bigelow, from the Judiciary committee, reported C. B. No. 5—an act defining the powers of Counties.

Read a first time.

Mr. Balch, from the committee on Commerce, reported back "resolution relative to the construction of a Marine Hospital on Puget Sound," and recommended its passage.

Report received and resolution adopted.

C. B. No. 1—an act relating to elections, and the mode of supplying vacancies,

Was taken up, and pending the consideration of section one,

Council adjourned till 2 P. M.

AFTERNOON SESSION.

Mr. Catlin asked a call of the Council.

Messrs. Miles and Sayward were found to be absent.

The President informed the Council that he had received a communication from Hon. Edward Lander, accepting the appointment of Code Commissioner under act, (H. B. No. 1.)

Read.

Mr. Miles appearing in place, call suspended, and he excused for absence.

Mr. Miles moved that C. B. No. 1—an act relating to elections, &c., be recommitted to Judiciary committee.

Carried.

Message from the House, announcing passage of H. B. No. 2—an act to authorize Edward J. Allen to establish and keep a ferry across the Columbia river, near Fort Walla Walla. And, a resolution relative to a proposed examination of a rail road route, by F. W. Lander, Esq. Also, a resolution of thanks to F. W. Lander, for his scientific services.

Resolutions read.

On motion of Mr. Miles,

Rules suspended, and resolution put upon its final passage, and the yeas and nays being demanded, were—

Ayes—Messrs. Balch, Bradford, Catlin, Miles, Tappan, Yantis, and the President—7.

Noes—Mr. Bigelow—1.

On motion of Mr. Miles,

Council proceeded to consider the House resolution of thanks to F. W. Lander, Esq., civil engineer in corps of Gov. Stevens.

On its passage, the yeas and nays being ordered, were—

Ayes—Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President—8.

Noes—none.

On motion of Mr. Yantis,

C. B. No. 3—an act to establish a Territorial road from Olympia, on Puget Sound, to the mouth of the Cowlitz, on the Columbia river,
Was read a second time, and,

On motion of Mr. Miles,

Was referred to committee on Roads and Highways.

H. B. No. 2—an act to authorize Edward J. Allen to establish and keep a ferry across the Columbia river, near fort Walla Walla,
Read a first time.

Mr. Catlin in the Chair.

On motion of Mr. Miles,

Rules suspended, and bill read a second time by title.

Mr. Bradford moved its indefinite postponement, and called the yeas and nays.

Motion carried by following vote:

Ayes—Balch, Bradford, Catlin, Miles, Tappan, and Mr. President—6.

Noes—Bigelow and Yantis—2.

So the bill was indefinitely postponed.

M. H. Frost tendered his resignation as Chief Clerk of the Council, which was accepted, and

Mr. Miles introduced the following:

Resolved, That the Council accept the resignation of the first Clerk, and tender him their thanks for the laudable manner in which he has endeavored to discharge his duties.

Adopted unanimously.

Then adjourned till to-morrow morning at 10 o'clock.

Attest,

MORRIS H. FROST,

Chief Clerk Council.

WEDNESDAY, March 8th, 1855.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Miles, Tappan, Yantis, and Mr. President. Mr. Catlin appeared in place early after.

Journal read and approved.

Mr. Bigelow was by unanimous leave permitted to change his vote on joint resolution, in reference to proposed survey of F. W. Lander, Esq.—He changed his vote from no to aye, making the passage of said resolution unanimous.

The President declined deciding the question as to the right of changing a vote, after the journal is made up and approved, without leave of the Council.

Mr. Tappan introduced the following:

Resolved by the Legislative Assembly, That the Secretary of the Territory be requested to furnish, for the use of the Legislature, a skeleton map of the Territory.

Mr. Catlin moved to amend, by striking out "Legislative Assembly" and "Legislature," and insert "Council" in each place.

Amendment accepted and resolution adopted.

Message from the House, announcing the passage of H. B. No. 4—an act to create and organize Whatcom County; H. B. No. 5—an act to locate a Territorial road from Steilacoom, in Pierce County, to Seattle, in King County; also, H. B. No. 6—an act to create and organize the County of Skamania; and the passage of a joint resolution, respecting the construction of a military road from the Dalles of the Columbia to Fort Vancouver.

C. B. No. 4—an act creating the board of County Commissioners, and defining their duties,

Read a second time, and

On motion of Mr. Catlin,

Recommitted to committee on Judiciary.

C. B. No. 5—an act defining the power of Counties,

Read a second time, and,

On motion of Mr. Yantis,

Referred to committee on Counties.

Mr. Tappan moved that the Council proceed, by ballot, to elect a Chief Clerk, in place of M. H. Frost, Esq., resigned.

Carried.

The first ballot resulted as follows:—Elwood Evans received four votes, R. H. Lansdale two, and Q. A. Brooks two.

There being no majority, a second ballot was ordered, which resulted:—Elwood Evans four votes, R. H. Lansdale two, Q. A. Brooks one, and blank one.

The being again no majority, Council ballotted a third time, on which the vote was as follows:—Elwood Evans five votes, R. H. Lansdale two, and Q. A. Brooks one.

Elwood Evans having received a majority of the votes, he was declared by the President to be duly elected Chief Clerk, and he came forward, was qualified, and entered upon the performance of his duties.

On motion of Mr. Tappan,

The petition of John C. Fory and others, praying the enactment of a prohibitory liquor law, was taken up.

Read and referred to the committee on the Judiciary.

On leave, Mr. Balch introduced the following:

Resolved by the Legislative Assembly of the Territory of Washington,
That our Delegate in Congress be, and he is hereby, requested to exert his influence with the Congress of the United States, to obtain the passage of an act, to amend the act creating the collection district of Puget Sound, so as to authorize the Surveyor of Customs for the Port of Nesqually to remove his office to Steilacoom.

Read and referred to committee on Commerce.

Mr. Tappan moved to proceed to the examination of the Rules and Orders.

At suggestion of Mr. Catlin,

Motion modified, so as to open said Rules and Orders to amendment.

Carried.

Mr. Yantis moved to amend rule 44, by striking out "House," and inserting "Council."

Mr. Catlin moved to strike out whole rule, and on this the yeas and nays were ordered, and were:—

Ayes—Balch, Bigelow, Catlin, Miles, Tappan, Yantis, and Mr. President—7.

Noes—None.

Mr. Miles moved to strike out in rule 29, the word "Speaker," and insert "President."

Mr. Balch moved to amend, by making that change, wherever the word "Speaker" improperly occurs.

Amendment accepted, and motion as amended carried.

On motion of Mr. Balch,

Rules and amendments were referred to the committee on Printing for revision.

Mr. Catlin moved that the President fill the vacancy in the committee on Roads and Highways, caused by the continued absence of the Hon. W. T. Sayward.

Carried, and

The President appointed Mr. Catlin to fill the vacancy, until Mr. Sayward's appearance.

On motion of Mr. Tappan,

Council proceeded to the consideration of House message in, in order.

H. B. No. 4—an act to create and organize Whatcom county,
Read a first time.

Rules suspended, and read a second time by title.

Laid on table and ordered to be printed.

H. B. No. 5—an act to locate a Territorial road from Steilacoom, in Pierce county, to Seattle, in King county,

Read a first time.

Rules suspended, bill read a second time by title, and ordered to be printed.

H. B. No. 6—an act to create and organize the county of Skamania,
Read a first time.

Rules suspended, read a second time by title, and ordered printed.

Mr. Catlin moved that all Council bills after second reading, be considered as ordered “printed,” and that twenty copies be furnished for the use of the Council.

A division being called, the motion prevailed by a vote of four to two.

House resolution relative to a military road from the Dalles of the Columbia river to Fort Vancouver, read.

Mr. Catlin read a proposed amendment, but withdrew it, and moved the reference of the resolution to the committee on Roads and Highways.
Carried.

Then adjourned till 2 P. M.

AFTERNOON SESSION.

Message from House, returning C. B. No. 2—an act creating the office of Notary Public, with the accompanying resolution:—

Whereas, The Honorable Council have reported to this House a bill, entitled, a bill creating the office of Notary Public; and whereas, there are on said bill various indorsements, of an ambiguous character, so as to make its sense very doubtful; and whereas, said bill is on separate pieces, and unengrossed:—Therefore, be it

Resolved, That said bill be returned to the Honorable Council, with a request that it may be truly and properly engrossed.

On motion, the Clerk was ordered to properly engross C. B. No. 2—an act to create the office of Notary Public, and report the same to the House of Representatives.

On leave, Mr. Catlin, from the committee on Corporations, reported, by bill, C. B. No. 6—an act to incorporate the Cowlitz Steamboat Company.

Bill read a first time.

Rules suspended, and bill read a second time by title, and,

On motion of Mr. Catlin,

Laid on table till to-morrow.

Message from the House, announcing the passage of H. B. No. 12—an act to locate the county seat of Clarke county,

Which was read a first time.

Council then adjourned till 10 o'clock to-morrow morning.

THURSDAY, March 9th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

Journal of yesterday read and approved.

Mr. Catlin, from committee on Printing, reported as follows:

The committee on Printing, to whom was referred the rules of the Council for revision, have had the same under consideration, and report them back with amendments.

That where "Speaker" occurs, strike out, and insert "President."—That where "House" occurs, strike out and insert "Council," except when referring to committee of the whole. That in place of Rule 44, strike out and insert instead thereof:—"all resolutions, memorials, and petitions shall, on presentation, lie one day on the table, unless otherwise ordered by the Council. In line two, rule 49, after "shall," insert "have."

(Signed,)

SETH CATLIN,

Chairman.

On motion of Mr. Balch,

Report adopted.

Rules and orders as amended, adopted.

Mr. Tappan, from joint committee on joint rules, reported the following:

JOINT RULES AND ORDERS OF THE TWO HOUSES.

1. In every case of an amendment of a bill, agreed to in one house and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other house shall also appoint a committee to confer, such committees shall, at a convenient hour, to be agreed upon by their chairmen, meet and state to each other, verbally or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the Door Keeper, and shall be respectfully communicated to the Chair, by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

4. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Clerk of each house respectively.

5. Every bill or joint resolution, after being enrolled, shall be examined by the joint committee on enrolled bills, consisting of at least two members from each house, who shall compare the same with the engrossed bills, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective houses.

6. Every bill or joint resolution, reported to have been duly enrolled, shall be first signed by the Speaker of the House of Representatives, (who shall send the same to the Council,) then by the President of the Council.

7. When a bill or resolution, which shall have passed in one house, shall be rejected in the other, notice thereof shall be given to the house in which the same shall have passed.

8. When a bill or resolution, which has been passed in one house, shall be rejected in the other, it shall not be brought in during the same session, without a notice of ten days, and leave of two-thirds of that house in which it shall be renewed.

9. Each house shall transmit to the other all papers on which any bill or resolution shall be founded.

10. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.

11. No bill that shall have passed one house, shall be sent for concurrence to the other, on either of the last three days of the session.

12. The President of the Council and the Speaker of the House shall cause the Chief Clerk of each house, to number the bills originating in their respective houses.

The report was received, and

On motion of Mr. Bradford,

The joint rules and orders were adopted.

The President announced the receipt of a communication from his excellency, Gov. Stevens, which was as follows:

EXECUTIVE DEPARTMENT,
Olympia, W. T., March 9th, 1854. }

HON. G. N. McCONAHA,

President of the Council,

Olympia, W. T.

Sir:—In answer to the resolution of the Council, asking for information in relation to the military road from Walla Walla to Steilacoom, I have to state, that fifteen thousand odd dollars remain unexpended; that a contract, subject to the approval of the Secretary of War, has been made with E. J. Allen, Esq., for continuing work on the road; and that the Secretary of War has been urged to ask Congress to appropriate twenty-five thousand dollars, to complete the road, including the payment of the work done by the citizens of the Territory the past year.

I am, sir, very respectfully,

Your obedient servant,

(Signed,)

ISAAC I. STEVENS,

Gov. Wash. Ter'ry.

On motion, the communication was referred to committee on Roads and Highways.

H. B. No. 12—an act to locate the county seat of Clarke county,
Read a second time.

C. B. No. 6—an act to incorporate the Cowlitz Steamboat Company,
Read a third time and passed, and title approved.

Mr. Catlin, from committee on Memorials, to whom was referred a resolution, instructing said committee to memorialize Congress on the subject of the appointment of a mail agent for the Territory of Washington, re-

ported a "memorial praying for the creation of the office of mail agent for Washington Territory.

Mr. Yantis obtained leave of absence for a few hours.

Then adjourned till 2 P. M.

AFTERNOON SESSION.

Third reading of H. B. No. 4—an act to create and organize Whatcom county.

Bill passed and title approved.

H. B. No. 5—an act to locate a Territorial road from Steilacoom, in Pierce county, to Seattle, in King county, came up for third reading.

Mr. Bigelow moved to lay on the table, and make it the order of the day two weeks from to-day.

Mr. Tappan moved to amend, by making it the order of the day for Monday, March 13th.

Mr. Bigelow accepted the amendment, and bill laid on table till said date.

H. B. No. 6—an act to create and organize the county of Skamania,
Was taken up.

Mr. Tappan moved to amend in section one, so as to read "forty-six degrees and thirty minutes," instead of "forty-six, thirty degrees."

Carried, and bill read a third time.

Mr. Tappan moved a reconsideration of vote, whereby bill passed to third reading. Carried.

Mr. Tappan moved to amend bill, by striking out section three.

Carried.

Bill, as amended, ordered to third reading.

Read a third time and passed, and title approved.

Message from the House, announcing the passage of H. B. No. 7—an act to locate a Territorial road from Steilacoom, to the county seat of Clarke county; and H. B. No. 13—an act to locate a Territorial road from Seattle to Bellingham Bay.

H. B. No. 7—an act to locate a Territorial road from Steilacoom to the county seat of Clarke county,

Read a first time.

H. B. No. 13—an act to locate a Territorial road from Seattle to Bel-
 lingham Bay,
 Read a first time.

On leave, Mr. Bigelow, from committee on Judiciary, reported back C.
 B. No. 1—an act relating to elections, and the mode of supplying vacan-
 cies, with amendments.

Bill read informally, when

On motion of Mr. Tappan,

Bill was taken up by sections.

Section one being under consideration, Mr. Miles moved to strike out
 “six,” and insert “three,” and called the yeas and nays, which were:

Ayes—Miles and the President—2.

Noes—Balch, Bigelow, Bradford, Catlin, Tappan, and Yantis—2.

The bill, with its amendments, then referred to committee of the whole.

Mr. Catlin in the Chair.

After some time, committee rose, reported bill back with sundry amend-
 ments, and asked to be discharged.

Mr. Catlin rose to a point of order, insisting that Council must first
 adopt the report of the Judiciary committee, and moved the adoption of
 said report. Carried.

Mr. Catlin then moved the reception of the report of the committee of
 the whole, and moved its discharge, and on this the yeas and nays were
 ordered, and were:

Ayes—Balch and Miles—2.

Noes—Bigelow, Bradford, Catlin, Tappan, Yantis, and the President
 —6.

Mr. Catlin moved, in section three, to strike out clause after “enlist-
 ment,” in last line, which motion

Mr. Miles moved to amend, by striking out whole section.

Pending which amendment,

Council adjourned till 9 o'clock to-morrow morning.

FRIDAY, March 10th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, McConaha, Miles, Tappan, and Yantis.

The journal was read and approved.

H. B. No. 7—an act to locate a Territorial road from Steilacoom to the county seat of Clarke county,

Read a second time.

Mr. Catlin moved to postpone till 4th of July. Lost.

Mr. Tappan moved to postpone till, and make it the order of the day, Tuesday, March 14th. Carried.

H. B. No. 13—an act to locate a Territorial road from Seattle to Bellingham Bay,

Read a second time, and,

On motion of Mr. Bigelow,

Postponed and made the order of the day for March 14th, 1854.

C. B. No. 1—an act relating to elections, and the mode of supplying vacancies,

Was taken up, and the consideration of section two resumed.

Mr. Miles withdrew his amendment to strike out whole section; and the question being on Mr. Catlin's amendment, to strike out clause—"unless they were resident's of the Territory at the time of their enlistment," it was carried.

Mr. Miles then renewed his motion to strike out entire section.

Pending which,

Council adjourned till 2 P. M.

AFTERNOON SESSION.

The question on Mr. Miles' motion was lost by following vote, the yeas and nays being ordered:

Ayes—Balch, Bradford, Miles, and the President—4.

Noes—Bigelow, Catlin, Tappan, and Yantis—4.

Mr. Bradford moved to strike out the clause—"nor shall any officer or soldier of the United States army be permitted to vote at any election,

during the term of their enlistment," and called the yeas and nays, which are as follows:

Ayes—Balch, Bradford, Miles, Tappan, and the President—5.

Noes—Bigelow, Catlin, and Yantis—3.

Section, as amended, adopted.

Sections three to nine, inclusive, adopted, when

Mr. Miles moved to reconsider the vote by which sections three and six were adopted.

Vote reconsidered.

Mr. Catlin moved to strike out "August" and insert "July," as the day for holding the general election; which motion

Mr. Tappan moved to amend by inserting "September." Carried.

Remainder of sections adopted without amendment.

Bill, as amended, read a third time and passed, and title approved.

H. B. No. 3—an act to provide for the appointment of a Librarian, and defining his duties,

Was taken up for third reading.

Mr. Catlin moved to strike out in section four, "two weeks," and insert "six days." Lost.

Mr. Bigelow moved to refer to committee on Education. Lost.

On motion of Mr. Bradford,

Amended in section nine, by inserting "annually" after the word "received."

Bill, as amended, read a third time and passed, and title agreed to.

Memorial as to the creation of the office of mail agent for Washington Territory, came up in order.

Read and adopted.

Then adjourned till Monday morning at 10 o'clock.

MONDAY, March 13th, 1854.

Council met pursuant to adjournment.

Present Messrs. Bigelow, Catlin, Miles, and the President.

The Council waited a length of time for the appearance of a quorum, when the President ordered the journal of Friday to be read.

Then adjourned till 2 P. M.

AFTERNOON SESSION.

Present Messrs. Bigelow, Catlin, Miles, Yantis, and the President.

H. B. No. 5—an act to locate a Territorial road from Steilacoom, in Pierce county, to Seattle, in King county,

Order of the day, taken up and read.

Mr. Bigelow moved to amend section four, by striking out “ five ” and inserting “ three.” So amended.

Bill read a third time and passed, and title approved.

Mr. Bigelow, from the Judiciary committee, reported back C. B. No. 4—an act creating the board of county commissioners, and defining their duties.

Mr. Catlin moved to amend section eight, by striking out “ five ” and inserting “ three.” Carried.

Mr. Catlin moved to amend section seventeen, by striking out “ September ” and inserting “ July.”

Carried, and bill ordered to a third reading.

Message from the House, announcing the passage of H. B. No. 8—an act to define the northern boundary of Clarke county; H. B. No. 10—an act to create the county of Sawamish; H. B. No. 14—an act to provide for the appointment of commissioners of deeds; H. B. No. 17—an act to locate the county seat of Skamania county; Joint Resolution memorializing Congress to appropriate twenty-five thousand dollars, to complete the military road across the Cascade mountains. Also, the House's concurrence in resolution relative to the erection of a marine hospital on Puget Sound; of a joint resolution relative to an appropriation of ten thousand dollars, for a geological survey of Washington Territory. The passage of C. B. No. 2—an act creating the office of Notary Public, with amendments; and, the adoption of the Joint Rules and Orders.

Mr. Miles, on leave, introduced C. B. No. 7—an act to change the name of Edward A. B. Phelps, of Lewis county, to John Lusk.

Read a first time, rules suspended, and bill read a second time by title.

Laid on table to be printed.

Council proceeded to take up message from House.

On motion, C. B. No. 2—an act creating the office of Notary Public, and amendments, was read.

A motion to concur being made by Mr. Miles, the President ruled it out of order, as the amendment was really a substitute. The House amendments were entitled “an act to provide for the appointment of Notaries Public,” while the bill originating in Council was “an act creating the office of Notary Public.” The Council *created* an office, the other *legislated to provide* incumbents. The amendment did away the original, and hence could not be so regarded.

The decision of the Chair not being appealed from,

Mr. Bigelow moved the appointment of a committee by Council, to act with a similar committee from the House, to confer on said C. B. No. 2, and the House substitute therefor. Carried, and

The President appointed Messrs. Bigelow and Miles said committee, and the Clerk was ordered to give information, at once, to the House.

First reading of H. B. No. 8—an act to define the northern boundary of Clarke county; of H. B. No. 10—an act to create the county of Sawamish; of H. B. No. 14—an act to provide for the appointment of commissioners of deeds; of H. B. No. 17—an act to locate the county seat of Skamania county.

Message from the House, announcing the appointment of Messrs. Biles, Hale, and Moseley, as a committee of conference on C. B. No. 2, and the House substitute for same.

Joint resolution relative to appropriation for military road across the Cascade mountains,

Was read and passed.

Joint resolution relative to appropriation for geological survey of Washington Territory,

Read and passed.

H. B. No. 12—an act to locate the county seat of Clarke county,
Was read a third time and passed, and title approved.

The committee on Counties being asked to report on C. B. No. 5—an act defining the power of counties, Mr. Miles, of that committee, declined reporting in absence of his colleagues.

A motion to instruct him to report back said bill, was made and lost.

On motion of Mr. Miles,

Rules suspended to read H. B. No. 10—an act to create the county of Sawamish, a second time.

Bill read a second time by title.

Rules further suspended, bill read a third time and passed, and title approved.

On motion, rules suspended to read a second time, H. B. No. 17—an act to locate the county seat of Skamania county.

Bill read a second time by title.

Rules further suspended, and bill read a third time and passed.

Then adjourned till 10 A. M. to-morrow.

TUESDAY, March 14th, 1854.

Council met pursuant to adjournment.

Journal read and approved.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and Mr. President.

Journal read and approved.

Mr. Bradford, from the committee on Roads and Highways, made the following report:

Mr. President:—

The committee on Roads and Highways, to whom was referred the communication from the Governor, in answer to the resolution of the Council, asking information relative to the military road from Steilacoom to Walla Walla, beg leave to report back said letter, and ask to be discharged from the further consideration thereof. Also, in regard to so much of the Governor's message as relates to roads. That the committee have learned that fifteen thousand dollars are on hand, and will be expended during the coming season, upon the emigrant road from Steilacoom to Walla Walla, and that the general government has been urged by the Governor to make a still greater appropriation for the same. That several routes are now under consideration which, if completed, will prove vastly beneficial to the Territory, and meet the wants of the emigrants. The committee report back House resolution relative to a military road from the Dalles

of the Columbia to Fort Vancouver, with amendments, and recommend the passage of said resolution, with the amendments.

(Signed,)

D. F. BRADFORD,

Chm'n. Com. Roads and Highways.

Report read, received, and laid on the table.

Mr. Bigelow, from joint select committee of conference on C. B. No. 2, and the House substitute therefor, reported House substitute for C. B. No. 2, with title changed to "an act to provide for the appointment of Notaries Public," and recommended its passage.

Second reading of H. B. No. 8—an act to define the northern boundary of Clarke county. Also, of H. B. No. 14—an act to provide for the appointment of Commissioners of Deeds.

C. B. No. 7—an act to change the name of Edward A. B. Phelps, of Lewis county, to John Lusk,

Read a third time, and the question being on its passage, it was lost.

C. B. No. 4—an act creating the board of county commissioners,
Taken up for third reading.

Mr. Bigelow in the Chair.

Mr. Yantis moved to amend section three, by striking out "five" and inserting "three."

The President decided the motion out of order, without a reconsideration of the vote of yesterday.

Mr. Miles thereupon moved a reconsideration, and called the ayes and noes.

Ayes—Balch and Yantis—2.

Noes—Bigelow, Bradford, Catlin, Miles, Tappan, and Mr. President—2.

So the Council refused to reconsider.

Bill read a third time and passed, and title approved.

Mr. Tappan moved a suspension of the rules, to read a third time now, H. B. No. 8—an act to define the northern boundary of Clarke county.

Carried, and bill read a third time and passed.

House resolution relative to the military road from the Dalles to Vancouver, (being a report of committee on Roads and Highways,)

Taken up, and, on motion, again referred to same committee.

Report of select joint committee of conference on C. B. No. 2, was taken up.

The report was received, and the substitute, "an act to provide for the

appointment of Notaries Public," adopted.

The question now being, "shall the bill pass?" The bill passed, and the title was approved.

Order of the day—H. B. No. 7—an act to locate a Territorial road from Steilacoom to the county seat of Clarke county.

Mr. Catlin moved to strike out "Lewis," in fourth section.

Pending which, Mr. Tappan moved to lay on table till afternoon.

Carried.

H. B. No. 13—an act to locate a Territorial road from Seattle, in King county, to Bellingham Bay.

Mr. McConaha moved to strike out "five," in section four, and insert "three."

Mr. Balch moved to amend amendment, by inserting "four." Lost.

Motion of Mr. McConaha put and lost.

On motion of Mr. Tappan,

Laid on table till afternoon.

Then adjourned.

AFTERNOON SESSION.

On leave, Mr. Bradford, from committee on Roads and Highways, reported as follows:

Mr. President:—

The House resolution, relative to military road from Dalles to Fort Vancouver, which was referred to committee on Roads and Highways, has been considered by them, and they beg leave to report back the same, and recommend its passage.

(Signed,)

D. F. BRADFORD,
Chairman.

On motion of Mr. Balch,

Report received, and resolution adopted.

Order of the day—H. B. No. 7—an act to locate a Territorial road from Steilacoom to the county seat of Clarke county.

On motion of Mr. Tappan,

"W. H. Tappan," in line two, section one, struck out, and "A. J. Bolton" inserted.

Mr. Catlin moved to amend section four, by "excepting all that portion of Lewis county, south of the dividing line between townships ten and eleven." Lost.

Mr. Catlin moved to postpone till 4th of July. Lost.

Mr. Miles moved to amend line one, section four, by striking out "five" and inserting "three." Carried.

Bill read a third time, and on the passage of the bill, the yeas and nays were ordered, and were:

Ayes—Balch, Bigelow, Bradford, Miles, Tappan, Yantis, and the President—7.

Noes—Catlin—1.

So the bill passed, and the title approved.

H. B. No. 13—an act to locate a Territorial road from Seattle, in King county, to Bellingham Bay,

On motion, amended in section four, by striking out "five," and inserting "three."

Bill read a third time, passed, and title approved.

Mr. Catlin rose in place, and read a protest against the passage, by this House, of H. B. No. 7—an act to locate a Territorial road from Steilacoom, to the county seat of Clarke county.

The President said, that as the paper was couched in respectful language, it would be spread upon the journal, if there was no objection.

Mr. Miles objected.

The President then ruled, that to insert it, required the consent of the Council. To sustain this ruling, Mr. President cited a California case, in which Mr. Speaker Hammond made a similar decision, based upon the precedents, quoted from Jefferson's Manual. The points there held were:—"That the journal is the property of the body; that each member has a vote on its approval, and a right to amend it in detail." If, therefore, the right of assisting in making up the journal be conceded to each member, *all* the members can control the journal, as it regards each individual, whether his acts should be recorded; whether a paper presented, in regard to the act of that body, is respectful or disrespectful. If no objection is made, of course, any paper presented by a member, becomes a part of the journal; but, when a member objects, the majority must decide whether an act or paper of a fellow member may be spread upon the journal.

Mr. Catlin appealed from the decision.

The question being—Shall the decision of the President stand as the decision of the Council?

The ayes and noes were ordered, and were:

Ayes—Balch, Bradford, Miles, Tappan, and Yantis—5.

Noes—Bigelow and Catlin—2.

Not voting—Mr. President—1.

So the decision of the President was sustained.

Mr. Bigelow moved that said protest be inserted at length upon the journal.

Carried unanimously.

Said protest reads as follows:—

Whereas, a bill has passed locating a Territorial road from Steilacoom to the county seat of Clarke county, by the county seat of Lewis county, to be paid for by the counties through which the road passes; and believing that the Legislature have no right to legislate money out of the county treasuries of the various counties, without their consent, and that it is unjust and oppressive, I therefore protest against the act.

(Signed,)

SETH CATLIN,

Of Lewis County.

House message, announcing the passage of H. B. No. 21—an act to indemnify A. Benton Moses, for services as sheriff, and the adoption of the “memorial relative to the establishment of the office of mail agent for Washington Territory.”

H. B. No. 21—an act to indemnify A. Benton Moses, for services as sheriff,

Read a first time.

Rules suspended, and read a second time by title.

Referred to committee on Claims.

Then adjourned.

WEDNESDAY, March 15th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

The journal was read and approved.

Mr. Miles presented a petition from Henry R. Stillman, and nineteen others, citizens of Lewis county, praying for a division of said county.—

Also, one of like import from C. C. Pagett, and seventy-three others, of said county.

Petitions read, and referred to committee on Counties.

Mr. Miles, from committee on Claims, reported back H. B. No. 21—an act to indemnify A. Benton Moses, for services as sheriff, and recommended its passage.

Mr. Tappan, from committee on Counties, reported C. B. No. 5, with title so changed as to read, “an act relative to counties.”

Mr. Yantis, from select committee, to whom was referred the subject of “memorializing Congress for amendment to the land laws,” reported a memorial, praying the creation of the office of Surveyor General of Washington Territory, and the adoption of a separate land system.

Memorial read.

On motion of Mr. Miles,

Council resolved itself into committee of the whole, on said memorial.

Mr. Catlin in the Chair.

After some time spent therein, committee rose, reported progress, and asked leave to sit again.

Then adjourned till 2 P. M.

AFTERNOON SESSION.

On leave, Mr. Bradford, from the committee on Roads and Highways, reported back C. B. No. 3, with title so to read—“an act to locate and establish a Territorial road from Olympia, on Puget Sound, to the town of Monticello, near the mouth of the Cowlitz river,” with amendments, and recommended its passage.

Report received and adopted, and bill, as amended, laid on table, and ordered to be printed.

Council then resolved itself into committee of the whole, to resume the consideration of Memorial praying the creation of the office of Surveyor General, &c.

Mr. Catlin in the Chair.

After sometime spent therein, the committee rose and reported back the

memorial, with sundry amendments, and asked to be discharged from its further consideration.

Report received, and committee discharged.

Council took up the report by sections, and pending the consideration of the seventh section,

Mr. Catlin moved to strike out all after the preamble, and insert as a substitute:—"That all American citizens, twenty-one years of age, shall be entitled to one hundred and sixty acres of land, by settling on and cultivating the same, for a limited time, to be determined by the amount of improvements made thereon.

"That an uncontested certificate from the Surveyor General, of a full compliance with the law, shall be evidence of title; the holder of which shall have full power to alienate, convey, sell, and confirm a part, or whole, of said claim."

Mr. Catlin moved to refer the memorial, together with the substitute, to a committee, with instructions to prepare the same in accordance with said amendment.

Mr. Catlin withdrew his motion, and Council adopted the amendments reported by committee of the whole.

Mr. Catlin so renewed his motion to refer to committee on Judiciary.

Lost.

Laid on table, ordered printed, and made the order for Friday, March 17th.

Mr. Yantis, on leave, introduced C. B. No. 8—an act to incorporate Olympia Lodge, No. 5, of Free and Accepted Masons.

Mr. Miles, on leave, presented a petition from J. W. Goodell, and thirty-eight others, citizens of Thurston and Lewis counties, asking to be set off into a new county.

Read and referred to committee on Counties.

C. B. No. 5—an act relative to Counties,
Was read informally.

On motion of Mr. Catlin,

Referred to committee on Corporations.

Message from the House, announcing the passage of H. B. No. 15—an act relative to counties.

H. B. No. 15—an act relative to Counties,
Read a first time.

Rules suspended, and bill read a second time by title.

Mr. Bigelow moved its reference to committee on Corporations.

Mr. Bigelow withdrew his motion, to allow Mr. Catlin to correct a mistake, by moving a reconsideration of the vote by which C. B. No. 5 was referred to committee on Corporations.

Vote reconsidered.

Mr. Catlin then moved that C. B. No. 5, and H. B. No. 15, be referred to the committee on the Judiciary. So referred.

H. B. No. 21—an act to indemnify A. Benton Moses, for services as sheriff,

Read a third time, and passed.

Then adjourned till to-morrow morning.

THURSDAY, March 16th, 1854.

At the time of meeting, the President being absent, the Clerk called the Council to order, and Mr. Miles was, on motion, elected President *pro tempore*.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, and Yantis.

The Sergeant-at-Arms being sent for, the President, on return, reported him sick.

Mr. Bigelow, from the Judiciary committee, reported back C. B. No. 5, "An act relative to counties," with amendments, and recommended its passage. They had also examined H. B. No. 15, "an act relative to Counties," and all its features were now embraced in C. B. No. 5; they therefore recommended the indefinite postponement of H. B. No. 15.

Mr. Yantis introduced the following resolution:—

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be, and is hereby, instructed to use his best endeavors to have the salary and emoluments of the office of Collector of Customs for the District of Puget Sound increased, so as to make the same equal to the Collection District of Astoria, Oregon; and that the same be made retrospective in its operation, so that the increase of salary may commence from the date of the first appointment for this district.

Mr. Yantis moved a suspension of the rules, by which it would lie over one day. Carried.

Mr. Tappan moved to lay upon the table for ten days. Carried.

Mr. Bradford moved that the Judiciary committee be instructed to report their action upon the petition of John C. Fory and others, praying the enactment of a "Prohibitory Liquor Law."

Mr. Bigelow, Chairman of said committee, asked the gentleman to withdraw the motion, as the delay in reporting was occasioned by the request of the petitioners, to afford opportunity to receive more petitions of a like character.

Motion withdrawn.

C. B. No. 3, "An act to locate and establish a Territorial road from Olympia, on Puget Sound, to the town of Monticello, near the mouth of the Cowlitz River."

On motion, strike out in section 4 the word "five," and insert "three."

Mr. Tappan moved to amend section 1, line 4, by inserting, "Provided that a majority of the commissioners appointed to locate a road from Steilacom to Vancouver, act in conjunction with the commissioners named in this bill, in laying out that portion of the road between Mound Prairie and the Cowlitz Landing."

Pending this motion,

Mr. Tappan moved to lay on table till Monday next. Carried.

Report of Judiciary committee on C. B. No. 5, "An act relative to Counties," taken up.

Report received and amendments adopted.

C. B. No. 5, as amended, read a third time and passed, and the title approved.

H. B. No. 15, "An act relative to Counties," indefinitely postponed.

Then adjourned till 2 P. M.

AFTERNOON SESSION.

Mr. President in the Chair.

Mr. Catlin, from the committee on Memorials, to whom was referred the petition of I. N. Ebey and others, praying for a memorial to Congress to confirm unto George Bush, and his heirs, a section of land, reported a memorial for such object.

Memorial read.

On motion of Mr. Balch,

Rules suspended and memorial adopted.

C. B. No. 8, "An act to incorporate Olympia Lodge No. 5, of Free and Accepted Masons,"

Read a second time, and blank, in section 1, filled by insertion of word "twenty."

Bill ordered to a third reading, under suspension of rules, now.

Bill read a third time, and the yeas and nays called on its passage, and were—

Ayes—Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President—8.

Noes—None.

So the bill passed and title approved.

Mr. Tappan moved to reconsider the vote by which C. B. No. 3, "An act to locate and establish a Territorial road from Olympia, on Puget Sound, to the town of Monticello, near the mouth of the Cowlitz river," was laid on table till March 20th.

Carried, and said bill taken up, Mr. Tappan's amendment to section 1 still pending.

Message from House, announcing the passage of H. B. No. 16, "An act to encourage the building of bridges, plank, and turnpike roads;" H. B. No. 22, "An act appointing officers for Whatcom county;" that C. B. No. 5, "An act relative to Counties," had been indefinitely postponed; the passage of a "Joint Resolution relative to making Columbia City a Port of Delivery;" also, of a "Joint Resolution relative to the Hudson's Bay and Puget Sound Agricultural Companies;" also, a "Resolution relative to building a Custom House on Puget Sound."

On leave, Mr. Tappan withdrew his amendment to C. B. No. 3, and moved that it be again referred to committee on Roads and Highways, with instructions to report to-morrow. Carried.

Mr. Bigelow, from the Judiciary committee, on leave, introduced C. B. No. 9, "An act in relation to County Auditor."

Bill read a first time.

On motion, rules suspended, and bill read a second time by title.

Laid on table, and ordered to be printed.

On leave, Mr. Bigelow, from the Judiciary committee, introduced C. B.

No. 10, "An act in relation to County Treasurer."

Bill read a first time.

Rules suspended, bill read a second time by title, laid on table, and ordered to be printed.

House message taken up in order.

First reading of H. B. No. 16, "An act to encourage the building of bridges, plank, and turnpike roads."

On motion of Mr. Balch,

Rules suspended, bill read a second time by title, and referred to committee on Roads and Highways.

First reading of H. B. No. 22, "An act to appoint officers for Whatcom county."

Under suspension of rules, bill passed second and third readings, and title approved.

"Joint Resolution relative to Custom House on Puget Sound," read.

Rules suspended, and referred to committee on Commerce.

"Joint Resolution relative to making Columbia City a Port of Delivery," read.

Rules suspended, and resolution passed.

"Joint Resolution relative to the Hudson's Bay and Puget Sound Agricultural Companies," read.

Rules suspended, and resolution made the special order of the day, Monday, March 20th.

On leave, Mr. Balch introduced the following resolution:—

Resolved by the Council, That all bills prepared by the Code Commissioners, hereafter, be reported first to the House of Representatives, unless otherwise requested.

Rules suspended, and resolution adopted.

Indefinite postponement, by House, of C. B. No. 5, "An act relative to Counties," being under consideration,

On motion of Mr. Bigelow,

The vote by which H. B. No. 15, "An act relative to Counties," was this morning indefinitely postponed, was reconsidered.

Mr. Bigelow moved that H. B. No. 15 be referred to committee on the Judiciary. Carried.

On motion of Mr. Bradford,

A committee of three were appointed on the part of the Council, to act with a similar committee on the part of the House, to rectify certain mistakes, in regard to bills pending between, and which have passed both Houses.

The President appointed Messrs. Bradford, Balch, and Yantis said committee.

Council then adjourned till 10 o'clock to-morrow morning.

FRIDAY, March 17th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, McConaha, Miles, Tappan, Yantis, and the President.

The journal was read and approved.

Mr. Bigelow, of Judiciary committee, reported back H. B. No. 15, "An act relative to Counties," with the following amendments:—

Insert in line three, section 1, after "limits," the words, "for necessary county purposes." Strike out sections 4 and 5. In section 6, strike out, in lines one and two, the words, "or of the adjoining county;" and, in last line, all after "resides;" and, as amended, recommended its passage.

Mr. Bradford, of committee on Roads and Highways, reported back C. B. No. 3, "An act to locate and establish a Territorial road from Olympia, on Puget Sound, to Monticello, near the mouth of the Cowlitz River," with the following amendment:—

Strike out in section 1, line two, the name of "Nelson Barnes," and insert "J. C. Davis."

Report received.

C. B. No. 3, "An act to locate and establish a Territorial road from Olympia, on Puget Sound, to the town of Monticello, near the mouth of the Cowlitz river," being called up, the amendments reported by committee on Roads and Highways, were adopted.

Bill, as amended, read a third time, and the vote on the final passage being taken by yeas and nays, was as follows:—

Ayes—Balch, Bigelow, Bradford, Tappan, Yantis, and the President—6.

Noes—Catlin and Miles—2.

Title approved.

Order of the day.—“ Memorial praying the creation of the office of Surveyor General of Washington Territory,” &c., occupied the remainder of the morning session. The phraseology of the preamble being altered, it was adopted.

In section 5, line three, strike out, “ so far as his right of possession is concerned;” and add to fourth line, “ made in right of said proprietors, his heirs, or assigns.”

Mr. Tappan moved to amend section 10, “ Provided that a removal of timber from public lands, without an intention to reside thereon, be deemed as trespass; and that the value of improvements shall be estimated by the increase in value of the clearance of the lands for purposes of cultivation, or in actual erection of tenements or buildings thereon.” Carried.

On motion of Mr. Bradford,

Section 16 stricken out.

Reconsideration moved and carried.

Council adjourned till 2 P. M.

AFTERNOON SESSION.

M. Bigelow moved to amend section 11, in line 3, after word “ years,” “ and all who may hereafter come.”

The yeas and nays being ordered, were—

Ayes—Bigelow and Bradford—2.

Noes—Balch, Catlin, Tappan, Yantis, and the President—5.

Absent—Miles and Sayward—2.

Mr. Bradford being in the Chair,

Mr. McConaha moved as a substitute for section 11—“ That all American citizens, or those who have declared their intention to become such, and American half-breed Indians, on arriving at the age of twenty-one years, shall be entitled to the benefits of the act.”

Carried.

Mr. Catlin moved to strike out section 8.

The yeas and nays were ordered, and the motion lost by following vote:

Ayes—Bradford and Catlin—2.

Noes—Balch, Bigelow, Miles, Tappan, Yantis, and the President—6.

Mr. Miles moved an additional section, (13,)—" Each single person shall be entitled to receive under this act, one hundred and sixty acres of land; and a man and his wife three hundred and twenty acres of land:— *Provided*, The estate of the wife be sole and separate, and not alienable for the debts or liabilities of her husband."

The memorial, as amended, was then adopted by the following vote, the ayes and noes being called by Mr. Miles:—

Ayes—Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President—8.

Noes—None.

The President resuming the Chair,

Mr. Bradford, on leave, introduced the following resolution:—

Resolved, That no member of this body shall occupy the floor for more than fifteen minutes at any one time, nor shall he speak more than three times upon the same subject, without leave of every member of the body.

Rules suspended, and resolution read and adopted.

H. B. No. 15, " An act relative to Counties," report of Judiciary committee, adopted.

Bill, as amended, put on final passage. Then passed, and the title approved.

Mr. Tappan moved to adjourn till to-morrow morning; to which

Mr. Miles moved. as an amendment, to adjourn till Monday, March 20th. Amendment carried.

Then adjourned.

MONDAY, March 20th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

Journal of Friday read and approved.

Mr. Bradford, of the committee on Roads and Highways, to whom was referred H. B. No. 16, " An act to encourage the erection of Bridges,

Plank, and Turnpike roads," reported the same back, with a recommendation that it pass.

Mr. Tappan, from committee on Counties, to whom had been referred the petition of J. W. Goodell and others, citizens of Thurston and Lewis counties, praying "the erection of a new county," reported the same back, with a recommendation that the whole subject be indefinitely postponed.

Mr. Miles in the Chair.

Mr. McConaha introduced a substitute for the House Resolution, relative to the claims of the Hudson's Bay and Puget Sound Agricultural Companies.

Mr. McConaha introduced a Joint Resolution relative to Seattle being made a Port of Delivery.

On leave, Mr. Bradford, from the select committee to rectify mistakes in certain bills, &c., pending between the Houses, reported:—

"Mr. President:—

"The select committee, to whom was referred the matter in reference to the originating of bills, so as to prevent a clashing between the two Houses of the Legislature, beg leave to report, that they find in the House of Representatives a bill similar to C. B. No. 10, "An act relative to County Treasurer," which was reported to that body by the Code Commission. The House bill has been laid upon the table. Two bills yet remain in this body, reported by the Code Commission, viz:—C. B. No. 9, "An act relative to County Auditor," and C. B. No. 10, "An act relative to County Treasurer." Your committee recommend said bills to take their regular course, and, in future, that the Council be governed by the Resolution relative to acts reported by the Code Commission, passed in this body March 17th, 1854."

Report received and adopted, and committee discharged.

H. B. No. 16, "An act to encourage the erection of Bridges, Plank, and Turnpike roads,"

Read a third time and passed, and title approved.

Report of committee on Counties read, and laid upon the table.

On leave, Mr. Miles introduced the following Resolution:—

Resolved by the Council, That the Secretary of the Territory be requested to furnish all information he may have, respecting the rights and claims of the Hudson's Bay and Puget Sound Agricultural Companies.

Rules suspended, resolution read now, and adopted.

Message from the House, announcing the passage of H. B. No. 19, "An act for the preservation of Clams, Oysters, and other shell fish;"—H. B. No. 20, "An act to regulate the interest on money;" H. B. No. 24, "An act to regulate Peddling Boats;" H. B. No. 25, "An act in relation to Bills of Exchange and Promissory Notes." Their concurrence in "Memorial praying Congress to confirm unto George Bush, a free mulatto, and his heirs, a section of land." Also, of the passage of C. B. No. 1, "An act relating to Elections, and the mode of supplying vacancies," with amendments; C. B. No. 2, "An act to provide for the appointment of Notaries Public;" C. B. No. 4, "An act to create the Board of County Commissioners;" C. B. No. 6, "An act to incorporate the Cowlitz Steam Boat Company," with amendments; C. B. No. 8, "An act to incorporate Olympia Lodge, No. 5, of Free and Accepted Masons;" a petition of A. Benton Moses, for a Memorial, &c.

First reading of H. B. No. 19, "An act for the preservation of Clams, Oysters, and other shell fish."

First reading of H. B. No. 20, "An act to regulate the interest on money."

First reading of H. B. No. 24, "An act to regulate Peddling Boats."

First reading of H. B. No. 24, "An act in relation to Bills of Exchange and Promissory Notes."

House amendments to C. B. No. 25, "An act relating to Elections, and the mode of supplying vacancies," taken up and read.

On motion, considered by sections.

Amended, by striking out in section 1, all after the word "election," in first line, and adding:—" *Provided*, That no American half-breed Indian, not at this time a citizen of the United States, or who shall have filed his intentions to become such, and now a resident of this Territory, and whose life does not conform to the habits of civilized life, shall vote at any election in this Territory, or in any event be permitted to vote, unless he obtain from the County Commissioners of the county in which he may reside, a certificate that said citizen conforms in his mode of life to the habits of civilization."

Amendment concurred in.

Section 2 amended by inserting after the word "furnish," in first line, "the sheriff with two poll books, who shall deliver the same to"—

Amendment concurred in.

In section 23, strike out "destroyed," and insert "rejected."

Concurred in.

In section 23, strike out all after the word "representatives," in elev-

enth line, to line twelve, and insert: "it shall be decided by lot, according to such rules as may be established by the Commissioners of said county."

Amendment concurred in.

Section 31, insert, in third line, "Clerk of the"; strike out "twenty," in fifth line, and insert "thirty."

Concurred in.

Section 34, fourth line, strike out "twenty," and insert "thirty."

Concurred in.

Section 35, by adding to section: "and no person who shall be a candidate for any of the offices voted for, shall serve as judge or clerk of said election."

Amendment non-concurred in.

Strike out all of section 36.

Concurred in.

Chapter II, section 1, read: "by the Territorial officers, and by all officers elected by the Legislature, to the Governor."

Concurred in.

Section 2, same chapter, read: "by all county officers, to the County Commissioners of their respective counties."

Concurred in.

Section 3, same chapter: "The Governor shall also declare vacant the office of all Territorial officers; and the County Commissioners, all county officers required by law to execute an official bond," &c.

Concurred in.

On motion of Mr. Tappan,

A committee of three were appointed, to confer with a like committee from the House, in regard to the above House amendments, non-concurred in by Council.

Messrs. Tappan, Bigelow, and Bradford were appointed on said committee.

On motion of Mr. Bigelow,

The report of committee on Counties, was called up.

Mr. Bigelow moved the adoption of the report of the committee, and the indefinite postponement of the subject of the petition of J. W. Goodell and others. Carried.

Petition of A. Benton Moses, praying for a "Memorial by the Legislative Assembly, to make Steilacoom the Port of Delivery," &c.

Read, and, under suspension of rules, referred to committee on Memorials.

A motion to adjourn was lost.

House amendments to C. B. No. 6, "An act to incorporate the Cowlitz Steam Boat Company," read by sections.

Section 1, strike out "defend and be defended."

Concurred in.

Pending consideration of next amendment,

Mr. Miles moved to adjourn. Lost.

Mr. Catlin moved to lay the bill and amendments on table, till afternoon session. Carried.

Mr. Tappan moved to adjourn. Lost.

Order of the day.—House Resolution as to claim of Hudson's Bay and Puget Sound Agricultural Companies, and proposed substitute offered by Mr. McConaha, taken up, and together referred to committee on Memorials.

On motion of Mr. Balch,

Council adjourned till 2 P. M.

AFTERNOON SESSION.

Mr. Catlin moved a call of the House.

Messrs. Miles and Balch appearing soon after, and giving excuses for absence, the further call was dispensed with.

Mr. Balch, from committee on Military Affairs, on leave, introduced a "Joint Resolution, requesting the Governor to forward a census of male citizens, capable of bearing arms, to our Delegate, and requesting said Delegate to obtain the quota of arms," &c.

Also, "Joint Resolution, relative to erecting a depository of arms, at the Capital of the Territory."

C. B. No. 6, "An act to incorporate the Cowlitz Steam Boat Company," was again taken up.

Section 11, as amended by the House, being under consideration,

Mr. Catlin moved to amend House amendment, but withdrew it.

Council non-concurred in House amendment.

On motion, bill referred to committee on Corporations.

The President ruling that the committee only had power over the House amendments,

Mr. Catlin moved a reconsideration, which carried.

House amendment to section 12, was adopted.

Mr. Miles' Resolution, introduced on Friday, (but having no second, was not then entertained by the President, nor entered upon the journal,) was decided to be in order, and was taken up. It is as follows:—

Resolved by the Council, That J. L. Mitchell, the Sergeant-at-Arms, be required to explain to the President, in open Council, the reason why he did not execute the order of the President, in bringing in one of the delinquent members, (G. N. McConaha,) at the first sitting of the Council, on the 16th of the present month.

Mr. Tappan moved to refer to the Judiciary committee. Lost.

Mr. Bigelow moved to refer to committee on Ways and Means. Lost.

Mr. Catlin moved to indefinitely postpone. Lost.

Mr. Tappan moved to refer to committee on Claims. Carried.

Rules suspended, to read H. B. No. 19, "An act for the preservation of Clams, Oysters, and other shell fish," a second time. Bill so read.

Mr. Bigelow moved to amend 3d section, by filling blank with the words "one hundred."

On motion, bill referred to a select committee, consisting of Messrs. Bradford, Tappan and Balch.

H. B. No. 20, "An act to regulate the interest of money."

Rules suspended, to read a second time now.

Mr. Bigelow moved to amend section 2, first line, by inserting, "not exceeding twenty-five per cent."

The ayes and noes being called, were:—

Ayes—Bigelow and Yantis—2.

Noes—Balch, Bradford, Catlin, Miles, Tappan, and Mr. President—6.

Pending consideration of bill, a message was received from the House, announcing that the House had receded from the amendment to C. B. No. 6, non-concurred in by the Council; and that they had passed a Memorial to Congress, relative to the claims of Lafayette Balch, and others, for the Queen Charlotte's Island Expedition.

The consideration of H. B. No. 20, "An act to regulate the interest of money," again resumed.

Mr. McConaha moved to strike out the whole of section 2. Lost.

Rules further suspended, to read the bill a third time now.

Bill so read, and the question being, "Shall the bill pass?" the yeas and nays were ordered, and were—

Ayes—Balch, Bradford, Catlin, Miles, and Tappan—5.

Noes—Bigelow, Yantis, and the President—3.

H. B. No. 24, "An act to regulate Peddling Boats," under a suspension of rules, read a second time, and referred to committee on the Judiciary.

Then adjourned.

TUESDAY, March 21st, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

The journal was read and approved.

Mr. Balch, from the committee on Commerce, reported back House "Joint Resolution as to building Custom House on Puget Sound," with amendments; and a "Resolution as to making Port Townsend the Port Townsend the Port of Entry, for the Collection District of Puget Sound," which Resolution is as follows:—

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be, and he is hereby, requested to exert his influence, to cause Port Townsend to be made the Port of Entry for the District of Puget Sound.

Mr. Yantis, from the committee on Education, reported a "Memorial to Congress, for a grant of land to build an University."

Mr. Miles, from the committee on Printing, reported as follows:—

"Your committee beg leave to report, that the printing has thus far been done by Messrs. Berry, Doyle & Co., at the rates prescribed by the Law of Oregon, passed June 17th, 1850, entitled "An act to provide for the Public Printing," &c., to wit:—Composition two dollars and fifty cents per one thousand ems; Figure work, per thousand ems, three dollars; Rule and Figure work, per thousand ems, four dollars; Press work, per token,

common form, two dollars and fifty cents. Your committee are unable to report the price of folding, reports, &c., &c. They further recommend a continuance of the incidental printing by the above firm, at the above rates.

“ By way of explanation, your committee say that all the printing, thus far ordered, has been of the cheapest class.”

Mr. Catlin, from the committee on Memorials, reported the Memorial introduced by Mr. McConaha, as a substitute for the House “ Resolution, relative to the claims of the Hudson’s Bay and Puget Sound Agricultural Companies,” and recommended its adoption as a substitute for said Resolution.

Mr. Bigelow, from the committee on the Judiciary, reported back H. B. No. 24, “ An act to regulate Peddling Boats,” with following amendments:—In section 1, second line, insert “ ship,” after the word “ any;” in third line, after “ trade,” insert “ peddling.” Strike out all after the word “ grocery,” in third line, to “ without,” in fourth line, and after “ without,” insert “ a peddling license from the County Commissioners, to be obtained in the same manner as a license to peddle on land.” Strike out lines five and six, section 1, and the whole of sections 2 and 3.

Second reading of H. B. No. 25, “ An act in relation to Bills of Exchange and Promissory Notes.”

Third reading of C. B. No. 9, “ An act in relation to County Auditor.” Bill passed and title approved.

C. B. No. 10, “ An act in relation to County Treasurer,” blank filled in line four, section 1, by inserting, “ double the amount of funds liable to come into the hands of said Treasurer, during his term of office.”

On motion of Mr. Bigelow,

Blank in line one, section 11, filled by inserting “ November.” In line two, section 13, blank filled by inserting “ September.”

Bill read a third time and passed, and title approved.

Report of Judiciary committee—H. B. No. 24, “ An act to regulate Peddling Boats,”—taken up.

Mr. Bradford moved to recommit, but withdrew his motion.

On motion of Mr. Tappan,

Referred to a select committee of three.

Messrs. Tappan, Balch, and Bradford were appointed said committee.

On leave, Mr. Miles introduced the following resolution:—

Resolved by the Council, That the Sergeant-at-Arms be requested to write, with a pencil, the name of each Councilman, respectively, at the head of each bill, or other printed papers, for the use of the Council, and that he file the bills, or other printed papers, on the desks of each Councilman, immediately after such bill or paper is printed or delivered to him.

“ Joint Resolution as to making Seattle a Port of Delivery,” was read and adopted.

Report of committee on Memorials, proposing a substitute for House “ Resolution on claims of Hudson’s Bay and Puget Sound Agricultural Companies,” adopted.

Memorial laid on table and ordered to be printed.

Report of committee on Education—“ Memorial praying for lands to build an University,”—read.

Laid on table and ordered to be printed.

Report of committee on Commerce—House “ Resolution as to appropriation for building Custom House on Puget Sound,” as amended—was read and adopted.

“ Resolution relative to making Port Townsend the Port of Entry for the Collection District of Puget Sound,” read.

Rules suspended, and Resolution passed.

Report of committee on Printing, read and adopted.

House “ Memorial as to claims of Lafayette Balch, and others, for the Queen Charlotte’s Island Expedition,” read.

On motion of Mr. Yantis,

Referred to a select committee, consisting of Messrs. Yantis, Tappan, and Miles.

“ Resolution as to forwarding census of male citizens, capable of bearing arms,” read and adopted.

“ Resolution as to building Depository of Arms, &c., at the Territorial Capital,” read and passed.

“ Resolution as to removal of the office of the Surveyor of Nesqually to Steilacoom,” read and passed.

Then adjourned.

AFTERNOON SESSION.

Mr. Bradford, of select committee, to whom was referred H. B. No. 24, "An act to regulate Peddling Boats," reported back bill, with following amendments:—Retain sections 1 and 2, as they passed the House; and add as 3d section, "That nothing in this act shall be so construed, as to prohibit the trade now pursued upon Puget Sound, or the coast, for the purpose of obtaining fish, oil, furs, &c." Section 4, "This act shall take effect and be in force from and after its passage."

Mr. Catlin moved an indefinite postponement. Lost.

Report again read, and adopted.

Message from the House, announcing the passage of C. B. No. 3, "An act to locate and establish a Territorial road from Olympia, on Puget Sound, to the town of Monticello, near the mouth of the Cowlitz river." The non-concurrence in Council amendment to "Joint Resolution, relative to building a Custom House on Puget Sound," and the appointment of Messrs. Hale, Crosbie, Chapman, and Brownfield, to confer with a committee from the Council. The non-concurrence in "Resolution as to removal of the office of Surveyor of Nesqually to Steilacoom," because the original was not sent back to the House.

[Mr. Catlin, from the committee on Memorials, rose to explain why the Resolution, last alluded to in the House message, was sent in the shape it was, to the House. The committee were of opinion the Joint Resolution superseded the petition, and the Memorial asked for, and they had not, therefore, returned it to the Council; and, as it was still with the committee, he now returned it, and moved that the Clerk be ordered to forward said original to the House of Representatives. Carried.]

Council resumed the consideration of H. B. No. 24, "An act to regulate Peddling Boats."

Mr. Bradford moved to amend, by adding to section 1, "Under a penalty of not less than fifty, nor over one hundred dollars, for each and every offence against this act, to be recovered in an action before a justice of the peace."

Mr. Miles moved to amend the amendment, by adding, "and that the money be applied to the common school funds of the county."

Accepted, and amendment, as amended, carried.

On motion of Mr. Yantis,

Bill re-committed to the select committee, and Mr. Bigelow added to the committee.

On leave, Mr. Yantis, from select committee, to whom was referred the "Memorial relative to the claim of Lafayette Balch and others, for expenses incurred in the Queen Charlotte's Island Expedition," reported back the Memorial, with amendments.

Report, and amendments, adopted, and Memorial, as amended, read and passed.

The President announced that he had appointed Messrs. Catlin and Balch a committee on the part of the Council, to confer with the House committee, on the non-concurrence, by House, in Council amendment to "Joint Resolution relative to the appropriation for building a Custom House on Puget Sound."

Mr. Tappan moved that the vote by which the "Joint Resolution asking for an increase of the salary of the Collector of Customs, for the District of Puget Sound," was laid on the table ten days, be re-considered.

The President ruled the motion out of order, as the time for re-consideration had elapsed.

Mr. Balch moved to suspend that rule.

The President ruled that motion out of order.

On motion of Mr. Bigelow,

Rules suspended, to take up H. B. No. 25, "An act in relation to Bills of Exchange and Promissory Notes."

Mr. Bigelow moved to amend section 6, by inserting "three days."

Carried.

Mr. Miles moved to strike out section 6. Lost.

Message from the House, announcing passage of "Joint Resolution relative to making Port Townsend the Port of Entry of District of Puget Sound." Of "Joint Resolution as to building a Depository of Arms at the Capital of the Territory." Of "Joint Resolution as to census of male citizens, capable of bearing arms." Of "Joint Resolution as to Military Wagon Road from Steilacoom to Vancouver." And, of H. B. No. 18, "An act to create the County of Chehalis."

Consideration of H. B. No. 25, "An act in relation to Bills of Exchange and Promissory Notes," again resumed.

Mr. Miles moved to amend in section 7, by inserting "Thanksgiving Day, January first, &c."

Mr. Tappan moved to amend amendment, by inserting "St. Patrick's Day," which was lost, as also the amendment.

Mr. Bradford moved to strike out "December 25th." Lost.

Bill read a third time, passed, and title approved.

Mr. Tappan moved to adjourn. Lost.

H. B. No. 18, "An act to create the County of Chehalis." Read a first time.

Mr. Bradford moved a suspension of the rules, to read a second time now. Carried, and bill read a second time.

On motion of Mr. Bradford,

Bill referred to committee on Counties.

"Joint Resolution relative to Military Wagon Road from Steilacoom to Vancouver," called up

On motion of Mr. Bradford,

And under a suspension of the rules, read and passec.

On leave, Mr. Miles, from committee on Claims, to whom was referred the "Resolution as to Sergeant-at-Arms, &c.," reported progress, and asked further time.

On motion of Mr. Bigelow,

The whole subject was indefinitely postponed.

Mr. Miles moved to adjourn. Lost.

Mr. Bigelow moved that the regular hours of adjournment be 10 o'clock in the forenoon, and 2 o'clock in the afternoon. Carried.

Then adjourned till 2 P. M.

WEDNESDAY, March 22d, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and Mr. President.

Journal read and approved.

Mr. Tappan, from committee on conference on the amendment to C. B. No. 1, "An act relating to Elections, and the mode of supplying vacan-

cies," now pending between the two Houses, reported as follows:—

"The committee of conference would report, that they have adopted House amendment in section 28, with amendments as follows:—Adopt the section of the bill as reported to the House of Representatives, and add thereto a proviso, in words following:—'*Provided*, That nothing in this section shall be so construed, as to prevent the right of persons contesting before either branch of the Legislature, the seat of him who receives the certificate.' Strike out House amendment to section 35. Amend line four, section 1, by adding following: '*Provided* The time of residence shall commence at the time the person left his home, with the intention of residing in this Territory: and he shall verify the same by oath, if required.' "

Report read and received.

"Memorial as to grant of lands, to build an University," read and passed.

"Memorial to Congress relative to Puget Sound Agricultural Company," read.

Mr. Bigelow moved to amend second line, section 2, by striking out clause, "if any they have."

Pending which, there was received a

Message from the House, announcing passage of H. B. No. 11, "An act to define the boundaries of Lewis County." H. B. No. 27, "An act to locate a Territorial road from Olympia to Shoalwater Bay." Their non-concurrence in Council amendments to H. B. No. 15, "An act relative to Counties," and that Messrs. Hale, Crosbie, Chapman, and Brownfield were appointed a committee of conference thereon, on the part of the House.

Council resumed the consideration of Mr. Bigelow's amendment to "Memorial relative to Puget Sound Agricultural Company," pending which,

Council adjourned.

AFTERNOON SESSION.

Mr. Bigelow's amendment to "Memorial relative to Puget Sound Agricultural Company," under consideration.

The question being taken by yeas and nays, the vote was—

Ayes—Mr. Bigelow—1.

Noes—Balch, Bradford, Catlin, Miles, Tappan, Yantis, and the President—7.

So the amendment was lost.

Mr. Miles moved to amend section 2, ninth line, by striking out “incorporation,” and inserting “company.” Carried.

Memorial further amended in its phraseology, when

Mr. Bradford moved its adoption, and called the yeas and nays, which were—

Ayes—Balch, Bradford, Catlin, Miles, Tappan, Yantis, and the President—7.

Noes—Mr. Bigelow—1.

On leave, Mr. Miles introduced the following resolution:—

Resolved by the Legislative Assembly of the Territory of Washington, That his Excellency, Governor Stevens, be requested to forward a copy of the Memorial relative to the extinction of the titles of the Puget Sound Agricultural Company, to the Hon. Stephen A. Douglass, of the United States Senate; to the Hon. Thomas H. Benton, of the House of Representatives, and the Hon. Columbia Lancaster, Delegate in Congress from Washington Territory.

Rules suspended, and the Resolution read, and passed unanimously.

Report of committee on conference to C. B. No. 1, “An act relating to Elections, and the mode of supplying vacancies,” taken up, and the report adopted.

The question being—“Shall the bill, as amended, pass?” it was decided in the affirmative, by the following vote, Mr. Catlin calling the ayes and noes:—

Ayes—Balch, Bigelow, Bradford, Miles, Tappan, Yantis, and the President—7.

Noes—Mr. Catlin—1.

So the bill, as amended, was passed.

H. B. No. 11, “An act to define the boundaries of Lewis County,” was read a first time.

H. B. No. 27, “An act to locate a Territorial Road from Olympia to Shoalwater Bay,” read a first time.

The non-concurrence of the House, in amendment by Council to H. B. No. 15, “An act relative to Counties,” taken up.

Mr. Bigelow moved the indefinite postponement of said bill. Lost.

Mr. Bradford moved that Council recede from their amendments. Lost.

On motion, a committee of conference were appointed, and Messrs. Yantis and Miles appointed said committee.

Mr. Catlin renewed the motion to indefinitely postpone. Lost.

On leave, Mr. Yantis, from committee on Education, introduced C. B. No. 11, "An act directing the County Commissioners to occupy certain lands for School purposes."

Bill read a first time, the rules suspended, bill read a second time by title, and laid on table to be printed.

On leave, Mr. Balch, from committee on Military Affairs, introduced C. B. No. 12, "An act relative to the Militia of the Territory, and to create the office of Territorial Armorer."

Bill read a first time, rules suspended, and bill read a second time by title.

On motion of Mr. Bigelow,

Re-committed to committee on Military Affairs.

Mr. Catlin moved a suspension of rules, to read a second time H. B. No. 11, "An act to define the boundaries of Lewis County."

Carried, and bill read a second time by title.

Mr. Catlin moved to lay on the table, and print. Carried.

Then adjourned.

THURSDAY, March 23d, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

Journal read and approved.

H. B. No. 27, "An act to locate a Territorial Road from Olympia to Shoalwater Bay," read a second time.

H. B. No. 11, "An act to define the boundaries of Lewis County," came up in order for third reading.

On motion of Mr. Catlin,

Made the order of the day for Monday, March 27th.

C. B. No. 11, "An act directing the County Commissioners of each County to occupy certain lands for School purposes," was read a third time and passed, and the title approved.

Message from the House, announcing the passage of "Joint Resolution relative to the establishment of Mail service, by way of Puget Sound, between Olympia, and other points in the Territory of Washington, and San Francisco, New York, and New Orleans."

Under suspension of rules, Council took up said Resolution, and it was read.

The President read a communication from his Excellency, John Bigler, Governor of the State of California, suggesting that the Legislature of this Territory, unite with that State in praying Congress to amend the Mail system, and increase the Mail service.

Resolution unanimously adopted.

H. B. No. 27, "An act to locate a Territorial Road from Olympia to Shoalwater Bay," taken up, and ordered to be printed.

Mr. Catlin introduced a "Joint Resolution, relative to raising a Joint Committee to assist the Code Commission."

Then adjourned.

AFTERNOON SESSION.

Mr. Miles moved a call of the House. Carried.

Soon after, the Council was full, and the absentees giving excuses, call dispensed with.

Hon. William T. Sayward, from the District composed of the Counties of Island and Jefferson, appeared in his place, and took the oath of office.

Message from the House, announcing the passage of C. B. No. 9, "An act in relation to County Auditor;" of H. B. No. 29, "An act appointing officers for the County of Skamania;" of H. B. No. 28, "An act to prevent fraudulent conveyances;" H. B. No. 31, "An act to appoint a Judge of Probate and Justice of the Peace, for the County of Clarke;" and of the indefinite postponement of C. B. No. 1, "An act relating to Elections, and the mode of supplying vacancies."

First reading of H. B. No. 28, "An act to prevent fraudulent conveyances."

Rules suspended, and bill read a second time by title.

Rules further suspended, and bill read a third time, passed, and title approved.

First reading of H. B. No. 29, "An act appointing officers for the County of Skamania."

Rules suspended, and bill read a second time.

Rules further suspended, and bill read a third time, passed, and the title approved.

First reading of H. B. No. 31, "An act to appoint a Judge of Probate, and a Justice of the Peace, for the County of Clarke."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time, passed, and the title approved.

On leave, Mr. Catlin introduced C. B. No. 13, "An act to create Cowlitz County, and define its boundaries."

Bill read a first time. Rules suspended, and bill read a second time by title, laid on table, and ordered to be printed.

Message from House, announcing passage of H. B. No. 30, "An act to define the Eastern boundary of Pacific County."

First reading of H. B. No. 30, "An act to define the Eastern boundary of Pacific County."

Rules suspended, bill read a second time by title, and referred to committee on Counties.

Mr. Balch moved to reconsider the vote by which H. B. No. 11, "An act to define the boundaries of Lewis County," was laid on table till Monday, March 27th. Carried.

Said bill being under consideration,

Mr. Catlin moved a suspension of the rules, to take from table C. B. No. 13, "An act to create Cowlitz County, and define its boundaries."

Mr. Catlin moved that C. B. No. 13 be considered a substitute for H. B. No. 11. Lost.

Mr. Catlin moved to refer both bills to a select committee. Lost.

Mr. Tappan moved to strike out "ten," in third line, section 1, and insert, "nine; thence west on said township line, to the meridian line; thence north on said line, to southern boundary of township ten," and called the ayes and noes.

Amendment agreed to by following vote:—

Ayes—Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President—9.

Noes—None.

Under suspension of the rules, bill read a third time, and the vote on its passage was taken by yeas and nays, and resulted:—

Ayes—Balch, Bradford, Miles, Sayward, Tappan, and Yantis—6.

Noes—Catlin and the President—2.

Absent—Mr. Bigelow.

So the bill passed, and its title was approved.

Then adjourned.

FRIDAY, March 24th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

Journal read and approved.

Mr. Balch, of the committee on Military Affairs, to whom was referred C. B. No. 12, "An act relative to the Militia of the Territory, and to create the office of Territorial Armorer," reported said bill so altered in title and matter, as to embrace but one subject, to wit: C. B. No. 12, "An act relative to the Militia;" and introduced C. B. No. 14, "An act to create the office of Territorial Armorer."

Mr. Tappan, from the committee on Counties, reported back H. B. No. 30, "An act to define the Eastern boundary of Pacific County," with a recommendation that the bill pass.

Mr. Bradford, from the select committee, to whom was referred H. B. No. 24, "An act to regulate Peddling Boats," reported back said bill as it passed the House, with following amendments:—

"Section — That nothing in this act shall be so construed, as to prohibit the trade now pursued upon Puget Sound, or for the purpose of obtaining fish, oil, furs, &c."

"Section — This act shall take effect and be in force from and after its passage."

H. B. No. 27, "An act to locate a Territorial Road from Olympia to Shoalwater Bay," came up in order for third reading.

Mr. Yantis moved to lay on the table, till two weeks from to-day.
Carried.

C. B. No. 13, "An act to create Cowlitz County, and define its boundaries," came up in order for third reading.

Message from the House, announcing the passage of "Memorial relative to the Puget Sound Agricultural Company."

Consideration of C. B. No. 13 again resumed.

Mr. Sayward moved to reconsider the vote whereby Council passed, yesterday, H. B. No. 11, "An act to define the boundaries of Lewis County," and on this motion the yeas and nays were ordered, and were:—

Ayes—Balch, Bigelow, Bradford, Catlin, Sayward, Yantis, and the President—7.

Noes—Miles and Tappan—2.

So H. B. No. 11 was reconsidered.

Mr. Sayward moved that C. B. No. 13, and H. B. No. 11, be together referred to a select committee of three.

Carried. and Messrs. Sayward, Yantis, and Balch were appointed said committee.

H. B. No. 30, "An act to define the Eastern boundary of Pacific County," was,

On motion of Mr. Sayward,

Laid on table, and made the order of the day for April 7th.

Call of the House. Council being full, call suspended.

H. B. No. 24, "An act regulating Peddling Boats." Amendments reported by select committee taken up, and,

On motion of Mr. Sayward,

Laid on table till Monday, March 27th.

Report of committee on Military Affairs adopted.

C. B. No. 12, "An act relative to the Militia of the Territory," laid on table, and ordered to be printed.

C. B. No. 14, "An act to create the office of Territorial Armorer," read a first time.

Rules suspended, bill read a second time by title, laid on table, and ordered to be printed.

"Resolution as to appointment of Joint Committee, to assist the Code Commission," &c., came up in order.

Mr. Sayward moved to fill the blank, by inserting "31st of March."—
Lost.

Mr. Catlin moved to indefinitely postpone. Carried.

Mr. Bigelow gave notice that he would introduce a bill, "An act establishing a Common School System for the Territory of Washington."

Mr. Tappan gave notice that he would introduce "An act regulating Ferries."

On leave, Mr. Catlin introduced a "Joint Resolution relative to assisting the Code Commission in the preparation of business."

Rules suspended, and Resolution read.

Mr. Yantis moved to strike out "three" and "five," and insert "two" and "four." Carried.

Resolution, as amended, adopted.

Then adjourned.

AFTERNOON SESSION.

The President announced the appointment of Messrs. Sayward and Bigelow as the committee on the part of the Council, provided for in "Resolution relative to assisting the Code Commission in the preparation of business."

Council adjourned till to-morrow morning.

SATURDAY, March 25th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

Journal read and approved.

Mr. Miles introduced the following:—

Resolved by the Council, That if any of the territory of the County of

Lewis is erected into a new County, that the new County shall pay a proportion of the debts of the County of Lewis, according to the amount of taxable property, as appears by the assessors books of Lewis County.

C. B. No. 14, "An act to create the office of Territorial Armorer," came up for third reading.

Mr. Sayward moved to strike out "one thousand," and insert "three hundred." Lost.

Mr. Tappan moved to insert "five hundred." Lost.

Mr. Balch moved to strike out "shall be skilled as an armorer or gunsmith." Lost.

Mr. Miles moved to strike out in section 4, the words, "the Governor shall appoint," and insert "the Legislature shall elect, when the necessity requires." Lost.

Message from the House, announcing passage of H. B. No. 32, "An act appointing officers for Sawamish County;" H. B. No. 33, "An act to exempt certain property from attachment;" and of a "Memorial to Congress, relative to increasing the salaries of Federal Officers."

C. B. No. 14 being still under consideration, Mr. Balch moved to strike out "three thousand" and insert "fifteen hundred." Lost.

Mr. Bigelow moved as an amendment to the last section, the following proviso:—"Provided, That the Governor shall not appoint, until the arms are received." Carried.

Mr. Miles moved to strike out in 5th section, the word "four" and insert "two." Lost.

Bill read a third time, passed, and the title approved.

House message taken up in order.

"Memorial to Congress, relative to increasing the salaries of Federal Officers," read.

Rules suspended, to consider Resolution now.

Council resolved itself into committee of the whole, Mr. Balch being in the Chair.

After some time spent therein, committee rose, reported Memorial back with amendments, and asked to be discharged.

Report received, and committee discharged.

Amendments of committee of the whole adopted.

Mr. Tappan moved to refer to committee of Ways and Means. Lost.

Mr. Sayward moved to indefinitely postpone; and on this motion the yeas and nays were ordered, and were—

Ayes—Bigelow, Bradford, Catlin, Sayward, Yantis, and the President
—6.

Noes—Balch, Miles, and Tappan—3.

So the Memorial was indefinitely postponed.

First reading of H. B. No. 32, "An act appointing officers for Sawamish County."

On motion of Mr. Bradford,

Rules suspended, and bill read a second time by title.

Rules further suspended, read a third time, passed, and title approved.

H. B. No. 33, "An act to exempt certain property from attachment," read a first time.

Then adjourned.

AFTERNOON SESSION.

On motion of Mr. Bradford,

Rules suspended, to read H. B. No. 33 a second time.

H. B. No. 33, "An act to exempt certain property from attachment," read a second time.

Mr. Bradford moved to insert in line three, "and execution." Carried.

Mr. Tappan moved to strike out "farming utensils," and insert "ploughs and hoes." Lost.

Mr. Miles moved to insert "two" instead of "one," before "cows, horses, yokes," &c. Carried.

Mr. Miles moved to strike out "support of family," and insert, "to carry on their business."

Mr. Sayward moved to amend, by inserting the words, "in their trades."

Amendment to amendment accepted, and amendment adopted.

Mr. Sayward moved to insert in line three, "dwellings, and other houses, to the value of one thousand dollars," and on this motion the yeas and nays were demanded, and were—

Ayes—Miles, Sayward, Tappan, and the President—4.

Noes—Balch, Bigelow, Bradford, Catlin, and Yantis—5.

Mr. Catlin moved to insert "dwellings and other buildings, to the value of five hundred dollars." Carried.

Mr. Sayward moved to amend the title, by adding the words, "and execution." Carried.

Rules further suspended, and bill, as amended, read a third time and

passed, and the title, as amended, then approved.

Mr. Catlin in the Chair.

Mr. McConaha moved that the vote by which "Memorial to Congress relative to increasing the salaries of Federal Officers," was indefinitely postponed, be reconsidered, and on this motion called the yeas and nays, which were—

Ayes—Catlin, Miles, and the President—3.

Noes—Balch, Bigelow, Bradford, Sayward, Tappan, and Yantis—6.

So the Council refused to reconsider.

Mr. McConaha moved that the Judiciary committee, to whom was referred the petition for a Prohibitory Liquor Law, be instructed to report on Monday next.

Mr. Bigelow moved to amend, by making the time Monday week.

Amendment accepted, and, as amended, carried.

Council then adjourned till Monday, at 10 o'clock A. M.

MONDAY, March 27th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Tappan, Yantis, and the President.

The journal was read and approved.

C. B. No. 12, "An act relative to the Militia of Washington Territory," read a third time, passed, and title approved.

Resolution as to debts of new County, proposed to be set off from Lewis County, was,

On motion of Mr. Miles,

Laid on table till to-morrow.

Order of the Day.—H. B. No. 24, "An act to regulate Peddling Boats." Report of select committee, as amendments thereto.

Report and bill read.

Mr. Bradford moved to amend, by striking out all after word "Sound," and inserting, "on the sea coast of the Territory." Carried.

Mr. Balch moved to amend, by striking out in section 1, line two, the words "any of the harbors," and inserting "alongside of the;" insert "or harbors," in line three; and in line five, strike out all between "consent of the" and "owners." Lost.

Mr. Catlin moved to indefinitely postpone, and on this motion the yeas and nays were ordered, and were—

Ayes—Bigelow, Catlin, and Yantis—3.

Noes—Balch, Bradford, Miles, Sayward, Tappan, and the President—6.

So the Council refused to indefinitely postpone.

Mr. Sayward moved to amend 1st section, by exempting "sea-going crafts." Carried.

Bill read a third time, and on the question—Shall the bill pass? the yeas and nays were ordered, and were—

Ayes—Balch, Bradford, Miles, Sayward, Tappan, and the President—6.

Noes—Bigelow, Catlin, and Yantis—3.

Bill as amended, passed, and title approved.

Order of the Day.—"Joint Resolution relative to increasing the salary of the Collector of Customs of the District of Puget Sound," read and adopted.

On leave, Mr. Catlin introduced C. B. No. 15, "An act to appoint a Justice of the Peace and Constable for Lewis County."

Bill read a first time.

Rules suspended, and bill read a second time.

Rules further suspended, bill read a third time, passed, and title approved.

On leave, Mr. Bradford, at request of the President, (Mr. McConaha,) introduced C. B. No. 16, "An act to locate a Territorial Road from Seattle, on Puget Sound, to the Emigrant Trail."

Bill read a first time.

Rules suspended, bill read a second time by title, laid on table, and ordered to be printed.

Then adjourned.

AFTERNOON SESSION.

On leave, Mr. Bradford, from the select committee, to whom was referred H. B. No. 19, "An act for the preservation of Clams, Oysters, and other shell fish," reported the same back, without amendments, recommended its passage, and asked to be discharged from its further consideration.

Report received, and committee discharged.

Message from House, announcing the passage of "Joint Resolution, as to sending certain Memorial to the Hon. S. A. Douglass, and others;" of H. B. No. 26, "An act to incorporate the City of Steilacoom;" of H. B. No. 34, "An act to provide against dangerous and vicious Cattle;" and C. B. No. 10, "An act in relation to County Treasurer," with amendments.

Report on H. B. No. 19 taken up.

Mr. Bigelow moved to amend section 3: strike out in lines one and two all that refers to the board of County Commissioners; and in fifth line, after "of," insert "two dollars per ton measurement, of the vessel taking such oysters, or other shell fish." Striks out line one of section 4, to word "such," and go on as same section, filling blank, in line two, by inserting "three." Carried.

Bill, as amended, read a third time, passed, and title approved.

On leave, Mr. Sayward, of select committee, to whom was referred H. B. No. 11, "An act to define the boundaries of Lewis County," together with C. B. No. 13, "An act to create Cowlitz County, and define its boundaries," reported amendments to said bills respectively:—

"First. As amendment to H. B. No. 11, strike out all after "commencement," and insert, "at a point on the summit of the Cascade Range of Mountains, on the second standard parallel, thence west on said parallel, to the first township line east of the meridian; thence north along said township line, to a point due east of the mouth of the East Fork of the Cowlitz river, called Toutle river; thence west to a summit of a range of mountains, known as the Boisfort Mountains; thence following the summit of said Boisfort Mountains, to the eastern boundary of Pacific County; thence north to a point due west of the stream, or river, called 'Skookum Chuck; thence east to the summit of the Cascade Range; thence following the summit of said range to the place of beginning."

"Second. As amendment to C. B. No. 13, said committee report as follows:—"Beginning at south east corner of Pacific County, on the Columbia river; thence up said river, to the south bank of the Kaloma;—

thence east to the first range line east of the meridian; thence north along said line to a point due east of the mouth of the east branch of the Cowlitz river, called Toutle river; thence west to the summit of the high lands that divide the waters which fall into the Chehalis river, from those which fall into the Columbia river; thence along the summit of said high lands, on the line of Lewis County, to a point due north of the line of Pacific County, on the Columbia river; thence south to the place of beginning.

(Signed,)

“W. T. SAYWARD,
“Chairman, &c.”

On the adoption of report, the yeas and nays were ordered, and were:
Ayes—Balch, Bigelow, Bradford, Miles, Sayward, Tappan, Yantis, and the President—8.

Noes—Mr. Catlin—1.

Mr. Catlin moved to indefinitely postpone C. B. No. 13. Lost.

H. B. No. 11, “An act to define the boundaries of Lewis County,” as amended, was read a third time, and on the question—Shall the bill pass? the yeas and nays were ordered, and were—

Ayes—Balch, Bigelow, Bradford, Miles, Sayward, Tappan, and Yantis—7.

Noes—Catlin and the President—2.

So the bill passed, and title was approved.

C. B. No. 13, “An act to create Cowlitz County, and define its boundaries,” as amended, read a third time, and on the question—Shall the bill pass? the yeas and nays were ordered, and were:—

Ayes—Balch, Bigelow, Bradford, Miles, Sayward, Tappan, and Yantis—7.

Noes—Catlin and the President—2.

So the bill, as amended, passed, and the title was approved.

Mr. Yantis, from committee on conference, on H. B. No. 15, “An act relative to Counties,” reported bill as the same passed the House, and recommended that the Council should recede from their amendments, and concur in the bill as it passed the House of Representatives.

Report received.

The question being—Will the Council recede from its amendments? it was carried.

The bill was then passed, and the title approved.

House amendments to C. B. No. 10, “An act in relation to County Treasurer,” was taken up and concurred in.

H. B. No. 34, "An act to provide against dangerous and vicious Cattle," was read a first time.

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

H. B. No. 26, "An act to incorporate the city of Steilacoom," read a first time.

Rules suspended, and bill read a second time by title.

Rules farther suspended, bill read a third time and passed, and the title approved.

Then adjourned.

TUESDAY, March 28th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

The journal was read and approved.

The President announced the reception of a communication from the Hon. Charles H. Mason, which was ordered to be read, and is as follows:

SECRETARY'S OFFICE,
Olympia, W. T., March 27th, 1854. }

HON. G. N. MCCONAHA,

President of the Council:—

Sir:—In reply to the Resolution of the Hon. Council, calling upon the Secretary of the Territory "for all the information he may have respecting the rights and claims of the Hudson's Bay and Puget Sound Agricultural Companies," I have to state that no official information has been received, either at this or at the Executive office.

I am, very respectfully,

Your ob't. serv'.,

C. H. MASON,

Sec'y. Wash. Ter. & Act'g. Gov.

C. B. No. 16, "An act to locate a Territorial Road from Seattle, on

Puget Sound, to the Emigrant Trail," read a third time and passed, and title approved.

Message from the House, announcing the passage of " Memorial praying Congress to confirm unto Edward Giddings, Jr., a certain Land Claim." The passage of " Memorial praying amendments of the Land Law," with amendments; and, of the indefinite postponement of C. B. No. 14, " An act to create the office of Territorial Armorer."

" Memorial praying Congress to confirm unto Edward Giddings, Jr., a certain Land Claim," read.

Rules suspended, and passed unanimously.

House amendments to " Memorial praying amendments of the Land Law," concurred in, and title so amended as to read " Memorial to Congress, praying the passage of an act creating the office of Surveyor General of Public Lands in Washington Territory, and to provide for the Survey, and to make donations to settlers of the said Public Lands."

Title, as amended, adopted.

Message from the House, announcing the passage of H. B. No. 35, " An act relating to County Assessors," and of C. B. No. 11, " An act directing the County Commissioners of each County, to locate certain lands for School purposes," with amendments.

C. B. No. 11, and House amendments thereto, taken up and concurred in.

First reading of H. B. No. 35, " An act relating to County Assessor." Rules suspended, and bill read a second time by title.

On motion of Mr. Catlin,

Amended in section 1, so as to elect " annually," instead of " two years."

Rules further suspended, and bill, as amended, read a third time, passed, and title approved.

On motion of Mr. Yantis,

Committee on Commerce were requested to report, by bill, memorial, or otherwise, at an early day, such matter as they deemed necessary to call the attention of Congress to the erection of Light Houses on this coast.

Then adjourned.

AFTERNOON SESSION.

Call of the House—Messrs. Sayward and Tappan absent.

Absentees soon appeared, gave reasons, and were excused.

Further call dispensed with.

Mr. Bigelow, in accordance with notice, introduced C. B. No. 17, "An act establishing a Common School System for the Territory of Washington."

Bill read a first time.

Rules suspended, bill read a second time by title, and referred to committee on Education.

Message from the House, announcing the passage of C. B. No. 15, "An act to appoint a Justice of the Peace and Constable for Lewis County," and their concurrence in the amended title to "Memorial to amend the Land Laws."

On leave, Mr. Miles introduced C. B. No. 18, "An act to appoint officers for Lewis County."

Bill read a first time.

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time, passed, and the title approved.

Message from the House, announcing the passage of "Joint Resolution as to adjournment on the 31st March, for ten days."

"Resolution on adjournment" read.

Rules suspended and adopted.

Mr. Bigelow gave notice that he would introduce a bill relating to estrays.

Mr. Sayward introduced a "Joint Resolution, relative to an appropriation for building Light Houses."

Rules suspended, and Resolution read and referred to committee on Commerce.

Mr. Yantis gave notice that the junior member from Thurston would, at an early day, introduce a "bill relating to stallions."

Mr. Catlin asked and obtained leave of absence for ten days, in addition to the recess provided by the "Resolution as to adjournment, &c."

Message from House, announcing the passage of C. B. No. 18, "An act to appoint officers for Lewis County."

Mr. Miles asked leave of absence for ten days beyond recess.

Mr. Tappan hoped the same favor would be extended to him.

Mr. Sayward made a similar request.

Neither of these requests were granted by the Council.

Mr. Tappan gave notice that he would, on the 11th day of April, introduce a "bill to locate the Public Buildings of Washington Territory."

Then adjourned.

WEDNESDAY, March 29th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and Mr. President.

Journal read and approved.

Mr. Yantis, from committee on Education, reported back C. B. No. 17, "An act to establish a Common School System for the Territory of Washington," with amendments.

Council took up report of committee on Education, adopted it, and said bill, (C. B. No. 17) laid on table, and ordered to be printed.

Mr. Bigelow, according to notice, introduced C. B. No. 19, "An act relating to Waifs, Estrays, and other unclaimed Personal Property."

Bill read a first time.

Rules suspended, bill read a second time by title, laid on table, and ordered to be printed.

Mr. Yantis, in accordance with notice, introduced C. B. No. 20, "An act relating to Stallions."

Bill read a first time.

Rules suspended, and bill read a second time by title.

Mr. Bigelow moved to refer to committee on Claims. Lost.

Mr. Tappan moved to refer to committee on Military Affairs.

Mr. Tappan moved to refer to the committee on Judiciary. Carried.

Mr. Miles gave notice that he would, at some future day, introduce "a

bill regulating Bulls."

Message from the House, announcing passage of H. B. No. 38, "An act to allow and regulate the Action of Right."

H. B. No. 38, "An act to allow and regulate the Action of Right," read a first time.

Rules suspended, and bill read a second time by title.

On motion of Mr. Tappan,

Council resolved itself into committee of the whole, (Mr. Balch in the Chair,) on said bill.

After some time spent therein, committee rose, reported progress, and asked leave to sit again.

Message from the House, announcing passage of "Joint Resolution, relative to increase of salary of Collector of Customs for District of Puget Sound," with amendments.

Then adjourned.

AFTERNOON SESSION.

Council again resolved itself into committee of the whole, (Mr. Balch in the Chair,) on H. B. No. 38, "An act to allow and regulate the Action of Right."

After some time spent on said bill, the committee rose, reported said bill back, with sundry amendments, and asked to be discharged from its further consideration.

Report received, and committee discharged.

Mr. Bradford moved to make said report and bill the order of the day on Friday next.

Mr. Bigelow moved to amend by laying on the table till two weeks from to-day. Amendment lost.

Mr. Bradford's motion lost.

Mr. Catlin moved to lay on the table. Carried.

House amendments to "Resolution relative to an increase of the salary of the Collector of Customs of the District of Puget Sound."

Mr. Miles moved to concur. Lost.

Mr. Bigelow moved to amend House amendment, by striking out all after the word "officers." Carried.

Mr. Bradford moved to add, "and the members of the Legislative Assembly."

Mr. Catlin moved to lay all amendments on the table. Lost.

The question being on Mr. Bradford's amendment, the yeas and nays were ordered, and were—

Ayes—Bigelow, Bradford, Miles, Sayward, and Tappan—5.

Noes—Balch, Catlin, Yantis, and the President—4.

Resolution, as amended, then adopted.

On motion of Mr. Catlin,

H. B. No. 30, "An act to define the eastern boundary of Pacific county," taken up, and referred to committee on Counties.

On motion of Mr. Catlin,

H. B. No. 27, "An act to locate a Territorial Road from Olympia to Shoalwater Bay," taken up.

Sundry amendments proposed, and bill and proposed amendments together referred to committee on Roads and Highways.

Then adjourned.

THURSDAY, March 30th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

On motion, the reading of journal was dispensed with.

Message from the House, by their committee, Hon. Messrs. Crosbie, Jackson, and Biles, announcing the death of Hon. Henry Fiester, member of the House of Representatives from the County of Pacific, together with the proceedings of that body in regard thereto.

Resolutions read.

Mr. Miles offered the following additional Resolutions:—

Resolved, That the Council deeply sympathize with the friends of the late Hon. Henry Fiester, and fully concur in the Resolution of the other branch of the Legislative Assembly.

Resolved by the Council, That as a further mark of respect, this body adjourn for one day.

House Resolutions concurred in.

Council Resolutions adopted.

Message from House, announcing the passage of H. B. No. 44, "An act relating to vacancy in Pacific County, and ordering election."

Under suspension of rules, bill read three times, and passed.

On motion of Mr. Tappan,

A committee of three were appointed from the Council, to act with House committee, in superintending funeral ceremonies of the late Hon. Henry Fiester, and Messrs. Yantis, Bigelow, and Miles appointed said committee.

Then adjourned.

FRIDAY, March 31st, 1854.

No quorum present.

Council stands adjourned till Monday, April 10th, 1854.

MONDAY, April 10th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Sayward, Tappan, Yantis, and the President.

The journals were read and approved.

Mr. Bigelow presented a Memorial adopted by the late annual Conference of the Methodist Episcopal Church, held at Belknap Settlement, Oregon, on the 16th of March, and signed on behalf of that body by M.

Simpson, Presiding Bishop, &c., praying the enactment of a Prohibitory Liquor Law for Washington Territory.

Memorial read.

Message from House, announcing the concurrence of that body in the Council amendments to "Joint Resolution relative to increasing the salary of the Collector of Customs of the District of Puget Sound."

Mr. Bigelow, from Judiciary committee, to whom had been referred petitions "praying the enactment of a Prohibitory Liquor Law," reported by bill, C. B. No. 22, "a Prohibitory Liquor Law."

Bill read a first time.

Rules suspended, and bill read a second time by title.

On motion of Mr. Bigelow,

Referred to select committee of two.

The President appointed Messrs. Bigelow and Bradford said committee.

Mr. Tappan, according to notice, introduced C. B. No. 21, "An act regulating Ferries."

Bill read a first time.

Rules suspended, bill read a second time by title, laid on table, and ordered to be printed.

Mr. Bigelow, from Judiciary committee, to whom had been referred C. B. No. 20, "An act relating to Stallions," reported said bill, with amendments, giving notice that a minority report would be presented.

Amendments adopted, and bill laid on table to be printed.

C. B. No. 17, "An act establishing a Common School System for the Territory of Washington," read a third time and passed, and the title approved.

C. B. No. 19, "An act relating to Waifs, Estrays, and other unclaimed Personal Property," read a third time and passed.

Mr. Yantis expressing a desire to amend, moved a reconsideration of the vote by which the bill was passed.

Vote reconsidered.

Mr. Yantis moved to amend section 12, second line, by striking out all after the word "county," and inserting, "shall be applied to the common school fund of said county." Carried.

Mr. Yantis moved to amend section 7, chapter I, by striking out, in ninth line, all before word "and," and insert "and applied to the common school fund of said county." Carried.

The bill, as amended, was then passed, and the title approved.

Then adjourned.

AFTERNOON SESSION.

Message from House, announcing passage of H. B. No. 36, "An act to create and regulate the office of Sheriff," and H. B. No. 41, "An act to appoint a Coroner, Assessor, and Constable for the County of Clarke."

First reading of H. B. No. 36, "An act to create and regulate the office of Sheriff."

Rules suspended, and bill read a second time by title.

First reading of H. B. No. 41, "An act to appoint a Coroner, Assessor, and Constable for the County of Clarke."

Rules suspended, and bill read a second time by title.

On motion of Mr. Tappan,

Laid on the table.

Mr. Yantis moved to take up H. B. No. 36, "An act to create and regulate the office of Sheriff." Carried.

On motion of Mr. Yantis,

Strike out in section 1, all after the word "dollars," in fifth line, and insert, "to be approved by the board of County Commissioners, in open court, or by the County Auditor during vacation, subject to the approval of the said board at their next meeting, and filed in the office of the County Auditor."

Mr. Sayward moved to amend section 8, line six, by inserting after the word "act," "be subject to the same liabilities." Carried.

Bill, as amended, under suspension of rules, was read a third time and passed.

Then adjourned.

TUESDAY, April 11th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Sayward, Tappan, Yantis, and the President.

Journal read and approved.

Message from the House, announcing passage of "Resolution requesting the Code Commission to employ additional Clerks."

Mr. Bigelow, from select committee, to whom was referred C. B. No. 22, "a Prohibitory Liquor Law," reported said bill, with such amendments as to make the sections of this law conform to the Practice Act, and a majority of the people, instead of "two-thirds" to secure its passage.

"Resolution as to additional Clerks to Code Commission," read, and, under suspension of rules, adopted.

Report of select committee on C. B. No. 22, "A Prohibitory Liquor Law," adopted, and bill, as amended, laid on table to be printed.

Message from the House, announcing the passage of H. B. No. 42, "An act to provide for the Public Printing, and the Distribution of the Laws and Journals;" and of H. B. No. 51, "An act relating to Elections, and the mode of supplying vacancies."

First reading of H. B. No. 42, "An act to provide for the Public Printing, and the Distribution of the Laws and Journals."

First reading of H. B. No. 51, "An act relating to Elections, and the mode of supplying vacancies."

C. B. No. 20, "An act relating to Stallions," taken up in order.

Mr. Bigelow moved to amend section 4, line one, by inserting after the word "horse," the words, "or ridgling." Carried.

The bill was then read a third time, and the question being—Shall the bill pass? the yeas and nays were demanded, and were—

Ayes—Balch, Bigelow, Bradford, and Yantis—4.

Noes—Sayward and the President—2.

On motion of Mr. Bradford,

The rules were suspended, to take up H. B. No. 42, "An act to provide for the Public Printing, and the Distribution of the Laws and Journals."

Bill read a second time.

Mr. Bigelow moved to refer to committee on Printing, with instructions to report to-morrow morning. Carried.

Mr. Yantis moved that the committee on Printing be filled temporarily during the absence of Messrs. Miles and Catlin. Carried.

Then adjourned.

AFTERNOON SESSION.

On leave, Mr. Bradford, from committee on Printing, reported back H. B. No. 42, "An act to provide for the Public Printing, and the Distribution of the Laws and Journals," with following amendments:—

In section 3, line four, after "signature," read "one dollar," instead of "three dollars;" in same section, fifth line, after "same," read "six" instead of "eight." Strike out, in section 6, the word "manuscript."

Report received.

The question being divided, the first amendment was lost, and the other two were adopted.

Bill, as amended, read a third time, passed, and the title approved.

On leave, Mr. Bigelow introduced C. B. No. 23, "An act for the support of the Poor."

Bill read a first time.

Rules suspended, bill read a second time by title, and laid on table to be printed.

Message from House, announcing the passage of H. B. No. 39, "An act creating the office, and defining the duties of Territorial Treasurer;" H. B. No. 49, "An act to appoint a Justice of the Peace for the County of Clarke;" and H. B. No. 37, "An act to provide for the Assessing and Collecting of County and Territorial Revenue."

Mr. Bradford moved to suspend the rules, to take up H. B. 51, "An act relating to Elections, and the mode of supplying vacancies," and read a second time. Carried.

On second reading of bill, Council resolved itself into committee of the whole, on said bill.

Mr. Balch in the Chair.

After some time, the committee rose and reported back H. B. No. 51, amended in section 1, by addition of "*Provided*, also, that nothing in this

act shall be so construed as to prohibit all persons of mixed, white, and Indian blood, who have adopted the customs and habits of civilization, from voting," and asked to be discharged from its further consideration.

Report received, and committee discharged.

Mr. Bradford moved the adoption of the report of the committee of the whole. Carried.

Mr. Bigelow moved a further suspension of the rules, to read the bill a third time now. Carried.

Bill read a third time, and being on its passage, the yeas and nays were ordered, and were—

Ayes—Balch, Bigelow, Bradford, Sayward, Tappan, and the President—6.

Noes—Mr. Yantis—1.

So the bill passed, and the title was approved.

Mr. Bigelow gave notice that he would introduce a bill providing a general road law.

Mr. Tappan withdrew the notice of intention to introduce a bill locating the public buildings.

C. B. No. 21, "An act regulating Ferries," read a third time, and passed, and the title approved.

First reading of H. B. No. 37, "An act to provide for the Assessing and Collecting of County and Territorial Revenue."

Rules suspended, bill read a second time by title, and on motion, referred to committee on Ways and Means.

First reading of H. B. No. 49, "An act to appoint a Justice of the Peace for the County of Clarke."

Rules suspended, and bill read a second time by title.

Rules further suspended, and bill read a third time, and passed.

First reading of H. B. No. 39, "An act creating the office, and defining the duties of Territorial Treasurer."

On motion of Mr. Tappan,

H. B. No. 41, "An act to appoint a Coroner, Assessor, and Constable for the County of Clarke," taken up.

Mr. Tappan moved to amend in section 1, line four, by striking out "Francis Fowler," and inserting "Frederick Lewis." Carried.

Bill, as amended, read a third time, and passed.

Message from the House, announcing passage of H. B. No. 50, "An

act relative to Prosecuting Attorneys," and of " Memorial praying Congress to make Budd's Harbor a Port of Delivery."

First reading of H. B. No. 50, " An act relative to Prosecuting Attorneys."

Rules suspended, and bill read a second time by title.

Amended in section 8, by striking out " eight," and inserting " two."

Rules further suspended, and as amended, bill read a third time and passed, and the title approved.

" Memorial praying Congress to make Budd's Harbor a Port of Delivery," read.

Rules suspended, and considered now.

Mr. Sayward moved to strike out " Budd's Harbor," where it occurs, and insert " Port Gamble;" to which motion

Mr. Balch offered as an amendment, to insert " Port Ludlow."

Amendment accepted and adopted, and the Memorial, as amended, was passed, and title amended to read, " Memorial praying Congress to make Port Ludlow a Port of Delivery."

Then adjourned.

WEDNESDAY, April 12th, 1855.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Sayward, Tappan, Yantis, and the President.

The reading of the journal was dispensed with.

Message from the House, announcing the passage of H. B. No. 47, " An act relative to Coroners," and " Memorial relative to the extinction of Indian Titles to lands in the Territory of Washington."

C. B. No. 22, " a Prohibitory Liquor Law," came up in order.

On motion of Mr. Bradford,

Council resolved itself into committee of the whole, to consider said bill.

Mr. Sayward in the Chair.

After some time spent therein, committee rose, and reported back said bill with following amendments, viz:

In section 3, line twelve, insert "sacramental," after "medicinal," and throughout said bill where it occurs. Section 5, line five, strike out all after "trial," to "in," line seven. Section 6, line eleven, strike out "double;" in line twelve, after "made," insert, "together with costs of such appeal;" in line fifteen, strike out "twenty-four hours," and insert "five days." Section 7, line five, strike out "to the inhabitants of," and insert "under." Section 11, line six, after word "proceed," insert "in day time;" line ten, strike out "testify," and insert "make affidavit." Section 14, line two, after "hut," insert "floating craft, canoe, wagon."

And the committee then asked to be discharged from its further consideration.

Report received, and committee discharged.

On motion of Mr. Bradford,

The report was adopted.

Bill as amended, read a third time, and being put upon its final passage, the yeas and nays were ordered, and were:—

Ayes—Balch, Bigelow, Bradtord, Sayward, Tappan, Yantis, and the President—7.

Noes—None.

Absent—Catlin and Miles—2.

On motion of Mr. Bradford,

Then adjourned till half past one P. M.

AFTERNOON SESSION.

On leave, Mr. Sayward, from the committee on Ways and Means, to whom had been referred H. B. No. 37, "An act to provide for the Assessing and Collecting County and Territorial Revenue," reported the same back, without amendments.

Council then took up said bill, and proceeded to its consideration by sections.

Section 1, amended by inserting "over" before "twenty-one."

Mr. Sayward moved to amend section 4, by addition of "*Provided*, That nothing in this section shall be construed to apply to such control of

vessels, as is held by the master thereof, or the consignee of a non-resident owner." Lost.

Mr. Sayward moved to amend, by inserting in same section, in line two, after "control," the words, "liable to be taxed." Carried.

On motion of Mr. Yantis,

Council resolved itself into committee of the whole on said bill.

Mr. Yantis in the Chair.

After some time, committee rose and reported back said bill, with the following amendments:—

In section 13, line six, strike out "every," and insert "any." In section 18, add, "together with the expense of advertising." In section 30, line three, strike out "twice." Add, as section 33, "The county shall, in all cases, be responsible to the several school districts in the county, for all delinquent school tax. And it shall be the duty of the county treasurer to pay, on the order of the county superintendent of schools of his county, to the several school districts, the entire amount of the school tax levied in the county for that year, and of any money in the county treasury, whether said school tax, or any part thereof, be collected or not."

And the committee then asked to be discharged from any further consideration of said bill.

Report received, and committee discharged.

Bill and report laid on table till to-morrow.

According to notice given, Mr. Bigelow introduced C. B. No. 24, "An act relating to the Construction and Maintaining of Roads."

Bill read a first time.

Rules suspended, bill read a second time by title, and laid on table to be printed.

Message from the House, announcing the passage of H. B. No. 52, "An act to create the office of Territorial Auditor;" of H. B. No. 48, "An act for the relief of John S. Clendenin." The non-concurrence in Council amendments to "Memorial praying Congress to make Budd's Harbor a Port of Delivery," and the appointment of Messrs. Brownfield, Chapman, Mosely, and Ward, a committee of conference on the part of the House. The non-concurrence in Council amendment to H. B. No. 51, "An act relating to Elections, and the mode of supplying vacancies," and that Messrs. Biles, Mosely, Hale, Jackson, Denny, and Brownfield, were appointed on the part of the House, a committee of conference thereon.—The non-concurrence in amendments to H. B. No. 41, "An act to appoint a Coroner, Assessor, and Constable, for the County of Clarke." The non-

concurrence in amendments to H. B. No. 50, "An act relative to Prosecuting Attorneys," and the appointment of Messrs. Biles, Denny, Hale, and Mosely a committee of conference on part of the House.

Council proceeded to the consideration of House message in order.

The President appointed Messrs. Sayward and Balch a committee of conference on the part of the Council, on Memorial as to Budd's Harbor. Messrs. Bigelow and Bradford a committee of conference on H. B. No. 50, "An act relative to Prosecuting Attorneys." Messrs. Balch, Bradford, Sayward, and Tappan a committee of conference on H. B. No. 51, "An act relating to Elections, and the mode of supplying vacancies."

H. B. No. 41, "An act to appoint a Coroner, Assessor, and Constable for the County of Clarke," was,

On motion of Mr. Tappan,

Laid on table till to-morrow.

First reading of H. B. No. 48, "An act for the relief of John S. Clendenin."

First reading of H. B. No. 52, "An act to create the office of Territorial Auditor."

"Memorial relative to the extinction of the Indian Titles to Lands in Washington Territory," read.

C. B. No. 23, "An act for the support of the Poor," read a third time and passed, and title approved.

First reading of H. B. No. 47, "An act relative to Coroners."

Rules suspended, and bill read a second time by title.

The Council, on motion, now proceeded to consider said bill by sections.

Section 1 amended by inserting, "to be approved by him." Section 3, line four, strike out after "summon," and insert before "persons," "six good and lawful." Section 5, line one, strike out "six" and insert "four." Section 6, after "witnesses," insert "on oath, by him administered;" in line five, after "give," insert "under oath." Section 8, line two, after "is," insert "if known," and add to line four, the words "if known."—Section 11, after "office," insert "for the arrest of the person charged;" strike out after "necessary," and insert, "and returnable forthwith to the nearest justice of the peace, judge, or committing magistrate." Section 12, strike out "county," and insert "United States of America;" in line five, before "forthwith," insert "United States of America." Section 13, strike out all after "arrest." Insert as section 14, (new section,) "In

all cases where no demand shall be made by the friends of the deceased, of the body for burial, the coroner shall provide for the burial, in a suitable manner, at the expense of the estate of the deceased, if there be sufficient to pay the same, if not, at the expense of the County."

Number additional sections to conform to insertion of (new) section 14.

In section 20, (as amended) line one, insert after "hold," "and necessary burial expenses."

Amendments adopted, and bill, as amended, laid on table till to-morrow.

Then adjourned.

THURSDAY, April 13th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Sayward, Tappan, Yantis, and the President.

Journal read and approved.

Mr. Tappan, from the committee on Counties, reported back H. B. No. 18, "An act creating the County of Chehalis," and H. B. No. 30, "An act to define the Eastern boundary of Pacific County," without amendments, and recommended their passage.

Second reading of H. B. No. 48, "An act for the relief of John S. Clendenin."

Second reading of H. B. No. 52, "An act creating the office of Territorial Auditor."

Mr. Bigelow moved to amend in section 15, line one, by striking out "two" and inserting "one;" which

Mr. Yantis moved to amend, by inserting "three." Lost.

Mr. Bigelow's amendment was lost.

Mr. Bradford moved to insert "fifty," to which

Mr. Sayward moved as an amendment "one hundred and fifty."

• Amendment to amendment carried.

Mr. Bradford's motion, as amended, carried.

Bill then laid on table till to-morrow.

H. B. No. 39, "An act creating the office, and defining the duties of Territorial Auditor," came up in order for third reading.

Mr. Yantis moved to lay on the table, to be printed.

Mr. Tappan moved to lay on the table. Carried.

Report of committee on Counties:—H. B. No. 18, "An act creating the County of Chehalis."

Mr. Yantis moved to refer to a select committee of three, of which Mr. Sayward should be chairman. Carried.

The President appointed Messrs. Sayward, Bigelow, and Yantis such committee.

H. B. No. 30, "An act to define the Eastern boundary of Pacific County," came up in order for third reading.

Mr. Tappan moved to strike out "Jim," in section 1, and insert "James."

Motion ruled out of order.

Mr. Bigelow moved to lay on the table. Carried.

"Memorial relative to extinction of Indian Titles to Lands in Washington Territory," read and passed.

Order of the Day.—H. B. No. 37, "An act to provide for Assessing and Collecting the County and Territorial Revenue," being under consideration—

[Message from the House, announcing passage of H. B. No. 46, "An act establishing Probate Courts for the Territory of Washington;" of C. B. No. 21, "An act regulating Ferries," with amendments; and "Resolution praying Congress to pass an act allowing soldiers, discharged in this Territory, to locate their Land Warrants, &c."]

Mr. Bradford in the Chair.

Mr. McConaha moved that H. B. No. 37 be re-committed to the committee of Ways and Means, with instructions to report certain amendments, based on sections which he read from the "Tax Act of California."

Mr. McConaha withdrew his motion.

On motion of Mr. Tappan,

Council adjourned till half past one o'clock P. M.

AFTERNOON SESSION.

H. B. No. 37, "An act to provide for Assessing and Collecting County and Territorial Revenue," under consideration at adjournment, was again taken up.

Mr. Bigelow moved to refer to a select committee of three, with instructions to report April 17th. Carried.

The President appointed Messrs. Bigelow, Sayward, and Yantis on said committee.

H. B. No. 47, "An act relative to Coroners," coming up in order,

Mr. Sayward moved to strike out "otherwise incapacitated." Lost.

Mr. Sayward moved to amend section 2, by adding, "but before serving any precept, as required by this section, the coroner shall give an additional bond, in double the amount of the sum sued for, or damages claimed." Carried.

Bill, as amended, read a third time and passed, and the title approved.

"Joint Resolution as to soldiers, discharged in this Territory, locating their Land Warrants," read.

Laid on table till April 17th.

House amendments to C. B. No. 21, "An act regulating Ferries," taken up, and concurred in.

Bill, as amended, was then passed.

First reading of H. B. No. 46, "An act establishing Probate Courts for the Territory of Washington."

Rules suspended, and bill read a second time, laid on table, and ordered to be printed.

On leave, Mr. Yantis introduced C. B. No. 25, "An act to provide for building Bridges."

Bill read a first time.

Rules suspended, bill read a second time by title, and ordered to be printed.

On motion of Mr. Bradford,

Rules suspended, to read H. B. No. 48, "An act for the relief of John S. Clendenin," a third time. Carried.

Bill read a third time, passed, and the title approved.

Message from the House, announcing passage of H. B. No. 54, "An

act regulating the rates of Toll for Grinding Grain; of H. B. No. 56, "An act appointing officers for Pierce County;" and H. B. No. 58, "An act amendatory of an act, appointing commissioners to locate a road from Olympia to Monticello."

First reading of H. B. No. 54, "An act regulating the rates of Toll for Grinding Grain."

Rules suspended, and bill read a second time by title.

Amended in section 4, third line, by striking out "ten" and inserting "three;" in line four, strike out "fifty," and insert "twenty."

Mr. Sayward moved to strike out section 5. Lost.

Bill, as amended, under a further suspension of the rules, read a third time and passed, and the title approved.

First reading of H. B. No. 56, "An act appointing officers for Pierce County."

Rules suspended, and bill read a second time by title.

On motion of Mr. Balch,

Laid on table, to be printed.

First reading of H. B. No. 58, "An act amendatory of an act, appointing Commissioners to locate a road from Olympia to Monticello."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

Then adjourned.

FRIDAY, April 14th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Sayward, Tappan, Yantis, and the President.

The journal was read and approved.

Mr. Balch, from the committee on Conference on H. B. No. 51, "An act relating to Elections, and the mode of supplying vacancies," made the following report:—

"The joint committee of conference, on the disagreement of the two Houses on H. B. No. 51, "relative to Elections, &c.," beg leave to report:—That they have conferred thereon, and recommend as a substitute, the following proviso to section 1, of said act, viz:—

"*Provided*, That nothing in this act shall be so construed, as to prevent such American half breed Indians, as the judges of the election shall determine have adopted the habits and customs of civilization from voting."

Message from the House, announcing that they had rejected the report of the joint committee of conference on H. B. No. 51, "An act relative to Elections, and the mode of supplying vacancies;" and that a new committee had been appointed, consisting of Messrs. Bolon, Jackson, Mosely, Brownfield, Chapman, and Thompson.

C. B. No. 24, "An act to provide for the Construction and Maintaining of Roads," taken up, considered by sections, and the following amendments made:—

Section 2, line two, strike out "twelve" and insert "eight." Section 5, line eight, strike out "expense," and insert "all damage." Section 12, line five, after "commissioners," insert "may, if they deem it necessary." Section 16, line one, strike out "four" and insert "three." Section 28, strike out first paragraph; amend next paragraph so as to read, "He shall assess three days works, to be performed by every male between 18 and 50 years of age, residing in his road district, except ministers of the gospel, and persons who are a public charge, or too infirm to perform labor; and for each and every thousand dollars valuation of taxable property, an additional days work." Strike out "chapter" wherever it occurs, and insert "act." Section 32, strike out "eight" and insert "seven."

Bill, as amended, read a third time and passed, and title approved.

H. B. No. 56, "An act appointing officers for Pierce County," taken up. Mr. Balch moved to lay on the table. Carried.

H. B. No. 46, "An act establishing Probate Courts for the Territory of Washington," taken up.

On motion, amended as follows:—

Insert in section 4, line one, before "seal," the word "suitable," and strike out remainder of section.

On motion, the bill was laid on table.

H. B. No. 57, "An act to regulate the Admeasurement of Saw Logs," was read a first time.

Rules suspended, bill read a second time by title, and, on motion, referred to a select committee.

Messrs. Sayward, Bradford, and Balch were constituted said committee.

Then adjourned till half past one o'clock P. M.

AFTERNOON SESSION.

Messrs. Catlin and Miles appeared in their seats.

Report of committee of conference on H. B. No. 51, "An act relating to Elections, and the mode of supplying vacancies," adopted.

Bill, as amended, passed.

On motion, Council refuses to recede from such amendment.

Mr. Bradford in the Chair.

On leave, Mr. McConaha, in place, presented a petition, signed by Andrew St. Martin, and thirty-two others, citizens of Lewis County, praying that half-breeds might be allowed to vote, with certain restrictions, and a letter of Rev. G. Leclaire, of the Cowlitz Mission, on the same subject.

Mr. Miles moved the indefinite postponement of the whole subject, but at Mr. Catlin's suggestion, withdrew the motion.

Mr. McConaha moved to refer to committee on Elections. Lost.

Mr. Miles moved to lay on the table. Carried.

C. B. No. 25, "An act to provide for the building of Bridges," taken up for third reading.

On motion, amended as follows:—

Insert after "board of," the word "county," wherever it may occur, and before "commissioner," the word "bridge."

As amended, bill read a third time, passed, and title approved.

Message from the House, announcing passage of H. B. No. 55, "An act offering a Bounty for Killing Wild Animals." That the House had non-concurred in Council amendments to H. B. No. 54, "An act regulating the rates of Toll for Grinding Grain." Asking for a new committee of conference on H. B. No. 51, "An act relative to Elections, and the mode of supplying vacancies;" and of the indefinite postponement of C. B. No. 20, "An act relating to stallions."

First reading of H. B. No. 55, "An act offering a Bounty for Killing Wild Animals."

Rules suspended, and bill read a second time by title.

Mr. Miles moved to amend section 2, line eleven, by striking out "is

requested," and inserting "shall." Lost.

Rules further suspended, to read a third time.

Bill read a third time, and on the question—Shall the bill pass? the yeas and nays were ordered, and were:—

Ayes—Balch, Bradford, Catlin, Sayward, Tappan, Yantis, and the President—7.

Noes—Bigelow and Miles—2.

So the bill was passed, and the title approved.

Amendments to H. B. No. 54, "An act regulating the rates of Toll for Grinding Grain," was taken up.

On motion of Mr. Bradford,

The Council receded from their amendments to said bill.

The bill was then passed, and the title approved.

House request for a new committee of conference on H. B. No. 51, "An act relative to Elections, and the mode of supplying vacancies," taken up.

Mr. Miles moved to appoint four on the part of the Council. Lost.

The President appointed Messrs. Yantis, Sayward, and Bradford said committee.

Mr. Yantis asked to be excused from serving, which the Council refused.

On leave, Mr. Bigelow introduced C. B. No. 26, "An act relating to Bastards," which was read a first time.

On motion, H. B. No. 46, "An act establishing Probate Courts for the Territory of Washington," taken from table.

Bill read a third time, passed, and title approved.

On motion, H. B. No. 39, "An act creating the office, and defining the duties of Territorial Treasurer," taken from table.

Bill read a third time, passed, and title approved.

On motion, H. B. No. 52, "An act to create the office of Territorial Treasurer," taken from table.

Bill read a third time, passed, and title approved.

On leave, Mr. Catlin introduced C. B. No. 27, "An act supplementary to, and explanatory of an act, entitled 'An act relative to Counties.'"

Bill read a first time.

Rules suspended, bill read a second time by title, and referred to committee on Counties.

Then adjourned.

SATURDAY, April 15th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

The journals were read and approved.

On motion of Mr. Catlin,

Council took up H. B. No. 30, "An act defining the Eastern Boundary of Pacific County."

Mr. Catlin moved to strike out all after the word "commencing."—Carried.

Bill, as amended, read a third time, passed, and the title approved.

Second reading of C. B. No. 26, "An act relative to Bastards."

Mr. Miles moved said bill be indefinitely postponed. Carried.

On motion of Mr. Miles,

Council took up petition of Andrew St. Martin, and others, citizens of Lewis County, and referred the subject to a select committee.

Mr. Catlin moved to instruct said committee to report within three days. Carried.

The President appointed Messrs. Miles, Bigelow, and Yantis said committee.

On leave, Mr. Yantis introduced C. B. No. 28, "An act to appoint officers for Thurston County."

Bill read a first time.

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

On leave, Mr. Catlin introduced C. B. No. 29, "An act to appoint officers for Cowlitz County."

Bill read three several times, under suspension of the rules, passed, and title approved.

On leave, Mr. Balch introduced "Joint Resolution, as to exchanges of the Laws with other States, and learned societies."

Under a suspension of the rules, Resolution read and adopted.

Message from the House, announcing passage of "Resolution relative to joint meeting, to elect certain Territorial officers."

Resolution read.

Mr. Bradford moved to lay on table till Saturday next. Lost.

Mr. Balch moved to suspend the rules, and adopt the Resolution now.

Rules suspended, and Resolution adopted.

Council then adjourned till Monday morning.

MONDAY, April 17th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

The journal was read and approved.

Mr. Sayward, of the committee of conference, on the "Memorial relative to making Budd's Harbor a Port of Delivery," asked to be excused from further service on said committee.

Relieved, and Mr. Bradford substituted.

On leave, Mr. Bradford introduced C. B. No. 30, "An act relative to Weights and Measures."

Bill read a first time.

Rules suspended, bill read a second time by title, laid on table, and ordered to be printed.

Message from the House, announcing passage of "Joint Resolution for relief of Hon. C. H. Mason, Secretary of the Territory;" of "Resolution providing Joint Committee to apportion Legislative Representation;" of "Resolution providing Joint Committee to divide Territory into Judicial Districts;" and of the concurrence in Council "Resolution as to exchange of copies of the Laws," with amendments.

"Joint Resolution as to discharged soldiers locating Land Warrants in this Territory," came up in order.

On motion of Mr. Sayward,

Indefinitely postponed.

House message taken up in order.

"Resolution as to Joint Committee on apportionment," read and adopted.

"Resolution for relief of Hon. C. H. Mason, Secretary of the Territory," read and adopted.

"Resolution as to dividing Territory into Judicial Districts," read and adopted.

House amendments to Council "Resolution on exchanges of Laws," &c., read and concurred in.

On leave, Mr. Sayward, from select committee, to whom was referred H. B. No. 45, "An act relative to the Admeasurement of Saw Logs," reported back said bill with amendments, by striking out House rule, and inserting as a standard, the table prepared by J. A. Scribner, A. M., in the fourth edition of "Scribner's Ready Reckoner."

Report received.

Council proceeded to the consideration of said report.

Mr. Yantis moved to lay on the table. Lost.

Report adopted.

Bill, as amended, read a third time, passed, and the title approved.

Message from the House, announcing the passage of H. B. No. 58, "An act appointing officers for Thurston County;" and of the indefinite postponement of C. B. No. 28, "An act appointing officers for Thurston County."

First reading of H. B. No. 58, "An act appointing officers for Thurston County."

Rules suspended, and bill read a second time by title.

Mr. Yantis moved the indefinite postponement of said bill.

Mr. Sayward moved a call of the House. Carried.

Council soon full, and call dispensed with.

The question being on the motion of Mr. Yantis, to indefinitely postpone, the yeas and nays were ordered, and were:—

Ayes—Balch, Bradford, and Yantis—3.

Noes—Bigelow, Catlin, Miles, Sayward, Tappan, and the President—6.

Mr. Miles moved a further suspension of the rules, to read the bill a third time. Carried.

Bill read a third time, and on the question—Shall the bill pass? the yeas and nays were ordered.

Mr. Bigelow asked to be excused from voting, as he was named as one of the officers named in said bill.

Council declined to excuse.

The Clerk proceeding to call the roll,

Mr. Yantis moved a reconsideration of the vote refusing to excuse.

Vote reconsidered, and Mr. Bigelow excused.

The vote was then taken on the passage of the bill, and was as follows:

Ayes—Catlin, Miles, Sayward, Tappan, and the President—5.

Noes—Balch, Bradford, and Yantis—3.

Excused—Mr. Bigelow—1.

So the bill was passed, and the title approved.

Mr. Balch moved to take up H. B. No. 56, "An act appointing officers for Pierce county." Carried.

Bill read a third time, and on the question—Shall the bill pass? the ayes and noes were demanded, and were:—

Ayes—Bigelow, Catlin, Miles, Sayward, Tappan, and the President—6.

Noes—Balch, Bradford, and Yantis—3.

So the bill passed, and the title was approved.

On motion of Mr. Bigelow,

The Chief Clerk was granted a leave of absence this afternoon.

Mr. Sayward, from select committee, to whom was referred H. B. No. 37, "An act to provide for Assessing and Collecting the County and Territorial Revenue," asked further time, which was granted.

Mr. Miles introduced the following:—

Resolved, That this body inform the House, that they are ready to meet the House in joint meeting at 2 P. M., to elect Territorial officers.

Then adjourned.

AFTERNOON SESSION.

Council repaired to the Hall of the House of Representatives, to elect Territorial officers, and while in joint meeting, the following officers were elected:—

J. W. Wiley, Territorial Printer.

William Cock, Territorial Treasurer.

Daniel R. Bigelow, Territorial Auditor.

B. F. Kendall, Territorial Librarian.

After returning to the Council chamber, a message was received from

the House, announcing the passage of C. B. No. 24, "An act relating to the Construction and Maintaining of Roads," with amendments.

Amendments to bill read, as follows: In section 18, strike out "eighteen" and insert "twenty-one;" in same section, strike out "ministers of the gospel." Section 32, strike out "seven" and insert "eight."

On motion, Council non-concur in said amendments.

On leave, Mr. Bigelow introduced the following:—

Resolved, That the resolution requiring all bills from the Code Commission to be reported to the House, be hereby rescinded.

On motion, rules suspended, and Resolution read and adopted.

Then adjourned.

TUESDAY, April 18th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and Mr. President.

On motion, the reading of journal was dispensed with.

C. B. No. 30, "An act relative to Weights and Measures," was taken up for third reading.

In section 4, line five, strike out "five" and insert "two;" to which Mr. Catlin moved as an amendment "thirty-six." Carried.

In line eight, same section, strike out "forty-six," and insert "forty-five." In section 5, precede the section with the words:—"Two thousand one hundred and fifty and forty-two one hundredths cubic inches, shall be the contents of the legal bushel, within the meaning of this act."

As amended, bill read a third time and passed.

Mr. Catlin moved that the committee on Counties, to whom was referred C. B. No. 27, "An act supplementary to, and explanatory of an act, entitled an act relative to Counties," report back said bill.

Carried, and said bill reported back.

Bill read informally, and,

On motion of Mr. Catlin,

Referred to a select committee.

The President appointed Messrs. Catlin, Yantis, and Sayward said committee.

Then adjourned to half past one P. M.

AFTERNOON SESSION.

Message from the House, announcing the passage of C. B. No. 19, "An act relative to Waifs, Estrays, and other unclaimed Personal Property," with amendments; and of H. B. No. 62, "An act regulating Divorces."

On leave, Mr. Tappan introduced the following Resolution:—

Resolved by the Council, the House concurring, That the Legislature do adjourn *sine die* on the second day of May next.

Mr. Miles in the Chair.

Mr. McConaha moved a suspension of the rules, to take up Resolution. Carried, and the Resolution read.

Mr. McConaha moved to strike out "second," and insert "ninth."

Amendment accepted, and the Resolution, thus amended, was adopted.

First reading of H. B. No. 62, "An act regulating Divorces."

Rules suspended, and bill read a second time by title.

On motion of Mr. Bigelow,

Amended in section 1, line ten, by striking out "failure," and inserting "neglect or refusal."

Rules further suspended, and as amended, bill read a third time and passed, and the title approved.

House amendments to C. B. No. 19, "An act relating to Waifs, Estrays, and other unclaimed Personal Property," read.

Mr. Bradford moved to lay on table, and make it the order of the day for Saturday, the 22d inst. Carried.

On leave, Mr. Catlin, of the select committee, to whom was referred C. B. No. 27, "An act supplementary to, and explanatory of an act, entitled 'An act relative to Counties,'" reported back bill, with amendments.

Report received, read and adopted.

Bill, as amended, laid on table, and ordered to be printed.

Mr. Tappan moved to take up H. B. No. 41, "An act to appoint a Coroner, Assessor, and Justices of the Peace for Clarke County."

Carried.

On motion, Council adheres to its amendments.

On leave, Mr. Bradford introduced C. B. No. 31, "An act to increase County Revenue."

Bill read a first time.

Rules suspended, bill read a second time by title, and on motion, referred to committee on Ways and Means.

Then adjourned.

WEDNESDAY, April 19th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

Journal read and approved.

The President announced that he had appointed Messrs. Catlin, Bradford, Sayward, and Balch, under the "Joint Resolution to apportion Legislative Representation."

Also, that Messrs. Bigelow, Yantis, and Tappan, were appointed under the "Joint Resolution relative to the division of the Territory into Judicial Districts."

C. B. No. 27, "An act supplementary to, and explanatory of an act, entitled 'An act relative to Counties,'" read a third time and passed, and the title approved.

Mr. Sayward, from the committee on Ways and Means, reported back C. B. No. 31, "An act to increase County Revenue."

Message from the House, announcing the passage of H. B. No. 53, "An act relative to Grand and Petit Jurors;" of H. B. No. 63, "An act to repeal the Laws of Oregon;" of "Memorial relative to a Mail route between Astoria and Olympia;" and their non-concurrence in Council

amendments to H. B. No. 30, "An act to define the Eastern boundary of Pacific County."

H. B. No. 30, "An act to define the Eastern boundary of Pacific County," taken up.

On motion of Mr. Catlin,

The Council receded from their amendment.

Bill then passed, and the title approved.

First reading of H. B. No. 63, "An act to repeal the Laws of Oregon."

Rules suspended, and bill read a second time by title.

Mr. Bigelow moved that a hundred copies be printed for the use of the Council. Lost.

Mr. Sayward moved to print fifty copies. Lost.

Mr. Balch moved to print one hundred and fifty copies. Lost.

The usual number printed for the Council, was then ordered.

"Memorial relative to Mail route from Astoria to Olympia," read.

Pending the consideration of Memorial,

On motion of Mr. Miles,

Council adjourned.

AFTERNOON SESSION.

On leave, Mr. Miles moved to "amend rules, so as to allow members to speak fifteen minutes."

Rules suspended, to entertain motion.

Mr. Miles moved to strike out "fifteen," and insert "five;" to which

Mr. Catlin moved as an amendment, "to except the *junior member from Lewis*, from the operation of this rule." Lost.

Mr. Bigelow moved to rescind the whole Resolution; and on this motion, the yeas and nays were ordered, and were:—

Ayes—Balch, Bigelow, Catlin, Miles, and the President—5.

Noes—Bradford, Sayward, Tappan, and Yantis—4.

So the Resolution was rescinded.

"Memorial relative to Mail route from Olympia to Astoria," taken up.

On motion of Mr. Sayward,

Amended by striking out all after "thence by," and inserting in lieu thereof, "the nearest and best route, to intersect the Mail route as now established from Olympia to Gray's Harbor."

Call of the house—Council full, and call suspended.

Memorial, as amended, was then adopted.

First reading of H. B. No. 53, "An act relative to Grand and Petit Jurors."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time, passed, and the title approved.

Then adjourned.

THURSDAY, April 20th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

Journal read and approved.

Message from House, announcing the passage of H. B. No. 61, "An act regulating Marriages;" of H. B. No. 69, "An act defining the time of the convening of the Legislature;" of C. B. No. 13, "An act to create Cowlitz County," with amendments; of C. B. No. 25, "An act to provide for the building of Bridges," with amendments. That the House recede from its amendments to C. B. No. 24, "An act relative to the Construction and Maintaining of Roads."

First reading of H. B. No. 69, "An act defining the time of the convening of the Legislature."

First reading of H. B. No. 61, "An act regulating Marriages."

House amendments to C. B. No. 25, "An act to provide for the Building of Bridges," read and concurred in.

House amendments to C. B. No. 13, "An act to create Cowlitz Coun-
c.16

ty," read, and on motion, laid on table till to-morrow, to be considered in committee of the whole.

Rules suspended, to read H. B. No. 61, "An act regulating Marriages," a second time.

Bill read a second time.

Mr. Yantis moved to amend in section 4, by striking out "license therefor." Lost.

Mr. Sayward moved to reconsider said vote. Carried.

Mr. Sayward moved to strike out, in section 4, "license therefor."—Carried.

Mr. Bradford in the Chair.

Mr. McConaha moved to strike out sections 5 and 6. Carried.

On motion of Mr. Catlin,

Section 1 was amended by striking out all after "contract."

On motion of Mr. Catlin,

Strike out in section 2, lines one and two.

Mr. Yantis moved to add as section 8, (new section,) "Any minister of the gospel, clergyman, priest, judge, justice of the peace, or other party having capacity to marry, joining parties in marriage under the age of twenty-one and eighteen, respectively, as provided in section 5th, of this act, without the written consent of parents or guardians, shall be guilty of a misdemeanor, and may, on conviction thereof, be fined not less than two hundred dollars, and not exceeding five hundred dollars, or be imprisoned a time not less than one, nor more than three months, in the county jail of the county in which said marriage is consummated."

Section 9, (new section.) "Any person not authorized by the provisions of this act, who shall join in marriage any parties, shall, on conviction thereof, be subjected to a penalty of not less than two hundred, nor more than five hundred dollars, or an imprisonment of not less than one, nor more than three months, in the county jail of the county in which said marriage is consummated."

Amendments adopted.

On motion of Mr. McConaha,

Section 7 was amended by inserting, "under a penalty of ten dollars, for every neglect."

Then adjourned.

AFTERNOON SESSION.

Council resumed consideration of H. B. No. 61, "An act regulating Marriages."

Bill, as amended, under a further suspension of the rules, read a third time and passed, and the title approved.

C. B. No. 31, "An act to increase County Revenue,"—report of committee on Ways and Means—taken up.

Amended in section 3, line three, by striking out "five," and inserting "ten." In same section, strike out "twenty," and insert "fifty." In like four, strike out "ten," and insert "twenty-five." Strike out "forty," and insert "one hundred."

Mr. Bigelow in the Chair.

Mr. McConaha moved to strike out 4th section. Carried.

Mr. Tappan moved to reconsider said vote. Carried.

Mr. Balch moved to amend 4th section, by striking out "fifty," and inserting "twenty-five."

Mr. Tappan moved to amend, by inserting, "not less than twenty-five, nor more than seventy-five."

Mr. Balch accepted the amendment, and it was adopted.

On motion of Mr. Tappan,

In section 9, strike out "fifty," and insert "not less than twenty-five, nor more than seventy-five."

Mr. Balch moved to amend 1st section, by inserting after "that," the words "the board of county commissioners;" in second line, strike out the words, "to authorize their respective county commissioners," and on this motion, the yeas and nays were ordered, and were:—

Ayes—Balch, Bigelow, Tappan, and Yantis—4.

Noes—Bradford, Catlin, Miles, Sayward, and the President—5.

Mr. Miles asked to change his vote.

The President ruled that he could not, as it would change the result.

Mr. Miles moved a reconsideration. Carried.

The yeas and nays on this question, (Mr. Balch's amendment,) was again ordered, and were:—

Ayes—Balch, Bigelow, Miles, Tappan, and Yantis—5.

Noes—Bradford, Catlin, Sayward, and the President—4.

Mr. Miles said he was desirous of voting in the negative, and asked to change his vote.

The Chair ruled such change out of order.

A motion to reconsider was ruled to be out of order.

The vote was again called, and Mr. Miles voted *No*.

So the amendment was lost.

Mr. Sayward moved to add as a new section (section 11): "Any person keeping a billiard table or bowling alley, for the purpose of receiving income therefor, without first receiving a license therefor, shall be liable to a fine of fifty dollars, for each and every such offence." Carried.

Bill, as amended, read a third time and passed, and the title approved.

Message from the House, announcing the passage of C. B. No. 22, "a Prohibitory Liquor Law," with amendments; of H. B. No. 65, "Liens of Mechanics and others, for Labor and Materials;" H. B. No. 68, "An act to authorize the Assessor of each County to take the Census;" H. B. No. 72, "An act to appoint officers for the County of Island;" H. B. No. 74, "An act to appoint officers for Jefferson County." Of Joint Resolution asking appropriations for Territorial Roads;" of "Resolution as to a joint meeting to elect Prosecuting Attorneys." And, that the House have concurred in part of Council amendments to H. B. No. 61, "An act regulating Marriages," and non-concurred as to part.

On leave, Mr. Sayward introduced C. B. No. 32, "An act to locate a Territorial Road from Hood's Canal to Shoalwater Bay."

Bill read a first time.

Rules suspended, and bill read a second time by title.

Mr. Bradford moved to refer to committee on Roads and Highways.—Lost.

Mr. McConaha moved to suspend the rules, and read a third time now. Lost.

Then laid on table, and ordered to be printed.

H. B. No. 63, "An act to repeal the Laws of Oregon," taken up.

Mr. Tappan moved to strike out sections 2 and 3. Carried.

Bill, as amended, read a third time, and passed.

First reading of H. B. No. 72, "An act to appoint officers for Island County."

Mr. Sayward moved to adjourn. Lost.

First reading of H. B. No. 65, "Liens of Mechanics and others, for Labor and Materials."

Rules suspended, bill read a second time by title, and referred to committee on Ways and Means.

First reading of H. B. No. 68, "An act to authorize the Assessor of each County to take the Census."

Reading of "Joint Resolution asking appropriation for Territorial Roads."

Rules suspended, and Resolution adopted.

Reading of "Resolution as to joint meeting, to elect Prosecuting Attorneys."

Rules suspended, and Resolution adopted.

First reading of H. B. No. 74, "An act to appoint officers for Jefferson County."

House amendments to C. B. No. 22, "a Prohibitory Liquor Law,"—taken up.

The question being—Will the Council concur therein? the yeas and nays were ordered, and were:—

Ayes—None.

Noes—Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President—9.

So the Council refused to concur.

Then adjourned.

FRIDAY, April 21st, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

The reading of the journal was dispensed with.

Second reading of H. B. No. 68, "An act to authorize the Assessor of each County to take the Census."

Second reading of H. B. No. 72, "An act appointing officers for Island County."

Second reading of H. B. No. 74, "An act appointing officers for Jefferson County."

On leave, Mr. Tappan introduced C. B. No. 33, "An act appointing a special term of holding the District Court of the 3d Judicial District."

Bill read a first time.

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

H. B. No. 61, "An act regulating Marriage," and amendments non-concurred in by House, was read, and, on motion, Council recede from their remaining amendments.

Bill passed, and the title approved.

On leave, Messrs. Miles and Bigelow, from the select committee, to whom was referred the petition of Andrew St. Martin and others, citizens of Lewis County, made the following report:—

MAJORITY REPORT

Of the Committee to whom was referred the Petition in relation to Half Breeds Voting.

The committee, to whom was referred the annexed memorial of citizens of Lewis County, restricting the right of suffrage of certain half breeds—

Recommend that their prayer should not be granted, for many reasons, among which are the following:—

1st. Your committee believe the moral condition of the half breed is much superior to that of the Indian, and compares, at least, favorably with a large proportion of the white population. There are exceptions among the half breeds: so there are among the whites; and this being the case, the distinction should no more be made in the one case than in the other.

2d. No valid reason can be assigned for precluding any class of citizens, who cannot "speak, read, and write the English language," for there are thousands and tens of thousands, of English, Irish, Scotch, Germans, and French, (besides large numbers of native Americans,) who have come to our shores—the asylum of the oppressed of every land,—to enjoy, among the rest of our inestimable privileges, the right to govern themselves; and, were this restriction a principle in our laws, then would the democratic principle of our glorious republic, be but a name. And the idea of making education the standard, savors much more of anti-republicanism, than of this progressive age. Besides, it must be remembered, that a large proportion of these half breeds are the descendants of the servants of a foreign corporation, in our midst, who have never made any general provision for the education of their children. The parents of these children do not speak our language, consequently it cannot be expected they should teach their children any other than their native tongue.

3d. Your committee confidently believe that the half breeds have a cor-

rect conception of our free institutions, as they comply with the requirements of our statutes, as much as the whites; and were they uninformed of the nature of those institutions, there would invariably be a marked violation of our laws; and your committee know of no instance where they have exercised the elective franchise, that they have abused that privilege—and no other conclusion than that they have heretofore, and will continue, properly to exercise that right.

4th. Your committee think no fears need be entertained, that any class of citizens will be allowed to vote under the age of twenty-one years, as it would not only be unprecedented, but unconstitutional.

Finally, your committee would further represent, that the half breeds should be allowed to vote, because they were here at an early day; that they have broken the wilderness, and tamed the savage; they have at all times hospitably received the weary immigrant; they have cheerfully paid all taxes; and equal laws have been imposed upon them, and have borne all the burdens of society equal with the whites. That they believe in the christian religion, and are, generally, members of the most popular churches of our free country.

HENRY MILES, Chairman.
D. R. BIGELOW.

MEMORIAL,

*To the Honorable, the Legislative Assembly
of the Territory of Washington:*

YOUR MEMORIALISTS, we, the undersigned, citizens of the Territory of Washington, would most respectfully represent to your Honorable bodies, that the present population of Lewis county, is composed of a large number of half breed Indians; that their moral condition, at the present time, is but little better than that of the native Indian; their characters, with a very few exceptions, are marked with all the follies and vices of the white man and Indian, with but few of the redeeming qualities of either. They can neither speak, read, nor write the English language. Their intercourse with the whites is through the French, or *Jargon*. They are wanting in that intelligence, necessary for the faithful discharge of those duties, devolving upon them as American citizens. They do not understand our laws, or comprehend the nature of our free institutions, from the fact that they are ignorant of the language in which those laws are written: and your memorialists, believing that before our laws can be cheerfully obeyed, or the value of our free institutions fully appreciated, they must be understood:—We, your memorialists, would wish to see the door of our common schools thrown wide open to this class of our fellow men, that they may

pass through intelligent, and well qualified to discharge the duties of American freemen.

The elective franchise, that blood-bought privilege, of which every American citizen feels proud, is one, of all others, that requires the exercise of that eternal vigilance, in which rests the security of our most sacred rights, and every safeguard that a wise legislation can throw around it, will not be too much for its protection. With these views, your memorialists would represent the necessity of passing an election law, with the following restrictions:—

That no half breed Indian shall be allowed to vote, at any election in this Territory, who shall not at the time be able to speak, read, and write the English language, and shall otherwise conform to the habits and customs of American citizens—the privilege to be restricted to those now residing in the Territory. And your memorialists would further represent, that no person be allowed to vote at any election in this Territory, who has not attained to the age of twenty-one years, and who has not been an actual resident in the Territory six months, and thirty days in the county, immediately preceding any election. And your memorialists would further represent that, for the better security against fraud, and for the surer detection of illegal votes, the mode of voting by open ballot, be adopted in this Territory. Your memorialists, believing that the interest of every true American citizen in this Territory, is fully identified in transmitting to posterity, pure and untarnished, that casket of blood-bought jewels, committed to his care, would most respectfully submit the whole subject to your most serious consideration.

Andrew St. Martin,
William Mills,
Lewis Johnson,
N. Linscott,
Levi Gates,
William Metcalf,
R. W. Brown,
Edward Yates,
A. B. Dillinbaugh,
Simon Plomondon,
S. Daubne,
G. Leclair,
Horace Sprague,
David D. Rhodes,
John M. McDonald,
William Davis,

H. J. Hail,
J. H. Foster,
L. H. Davis,
Levi L. Gates,
R. N. Stearns,
E. Mills,
A. S. Wilson,
S. S. Sanders,
J. P. Manner,
Batese Prowos,
R. R. Powell,
J. Moore,
Joseph D. Macc,
C. Webster,
Henry Cutting,
Marselle Bernier.

COWLITZ MISSION, }
 April 5th, 1853. }

HON. G. N. MCCONAH:—

Dear Sir.—I fully approve of the memorial sent from this county. I have been acquainted with the people here for some time. I have used all my influence to have them send their children to school, to enable them to become intelligent members of society, but all my efforts have been unavailing. They seem to think they already enjoy as many privileges as the intelligent American. I think the memorial, if adopted, will throw the responsibility where it naturally belongs—upon the parents. It would be a strong motive for them to send their children to school. I hope the memorial will be adopted.

Yours, most respectfully,

G. LECLAIRE, *Catholic Missionary.*

On leave, Mr. Yantis, also of the aforesaid committee, made the following

MINORITY REPORT:

The undersigned begs leave to make a minority report, as one of the select committee to whom was referred the petition of Andrew St. Martin, Rev. Father Leclaire, and some thirty-two others, residents of Lewis county, some of whom are half breeds and mixed blood, praying this Legislature to enact a law, restricting the rights of suffrage to such of that class, as have adopted the habits and modes of civilized life; and praying that none might be allowed to vote, but such as are able to speak, read, and write the English language, and prohibiting that irresponsible class of beings, who, having no fixed abode, speaking only the “jargon,” bring up their children in idleness, and neglect to send them to school; whose vices predominate over their good habits, and who have no degree of moral respectability, necessary to guarantee a proper exercise of the elective franchise.

That I am aware of the great difficulty attending a separation, or definition of what constitutes habits of civilized life, in the language of the election bill, passed by the Legislature. I am aware how difficult it is, by law, to regulate a class, where it becomes a question of evidence in law, founded on the individual merits of each particular case.

The cultivation of the soil—the occupancy of claim—the engagement in profitable labor—self education, evinced by an ability to read or write the English language—the sending of children to school—the appropriation and saving the results of labor—the acquisition of property—all are evidences of the adoption, by the possessor of either of these characteristics, the habits and modes of civilized life, such as ought to entitle them to vote under the first section of said election bill.

I am decidedly and distinctly opposed to a property qualification, as a test, but feel that he who accumulates property, for himself or posterity, with a view to the education of offspring, is at once entitled to a vote, because taxation and representation, as near as possible, should go hand in hand.

Desiring, also, to follow the same liberal spirit pursued by Congress in the framing of the donation law, and willing to recognize the rights under the law, which Congress has endorsed, in regard to the possession of the national domain, I think that, as Congress has adopted a law which will ultimately subject this class to taxation, that it would be but proper to give them a hearing at the ballot box.

Honestly entertaining these views, I feel assured that the prayer of the petitioners should be granted, and beg leave to report the annexed supplemental bill, which, while it answers the prayers of the petitioners, will allay much of the excitement and asperity of feeling produced by the law lately enacted by the Legislature.

(Signed,)

B. F. YANTIS,

One of the Committee.

AN ACT supplemental to an act, entitled "An act relative to Elections, and the mode of supplying vacancies."

Sec. 1. *Be it enacted by the Legislative Assembly of the Territory of Washington,* That no half breed Indian shall be allowed to vote, unless he can speak, read, and write the English language, with sufficient facility to be communicative and intelligent; and that he shall have some settled place of abode, and shall acquire a living by some industrial or professional occupation.

Sec. 2. That any judge or judges of an election, who shall knowingly permit any one to vote at any election, not possessing the above qualifications, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than fifty, nor more than three hundred dollars, to be tried in any court of competent jurisdiction; and the votes of such precinct shall not be counted.

Mr. Bigelow moved the indefinite postponement of the whole subject.—Lost.

On motion, both reports were laid on the table, and ordered printed.

C. B. No. 34, "An act supplementary to an act, entitled 'an act relative to Elections, and the mode of supplying vacancies,'" read a first time. Rules suspended, and bill read a second time by title.

On motion, Council took up order of the day:—House amendments to

C. B. No. 23, "An act to create Cowlitz County," and resolved itself into committee of the whole.

Mr. Balch in the Chair.

After some time spent therein, committee rose, reported back said bill without amendments, and asked to be discharged.

Report received, and committee discharged.

Message from House, announcing passage of H. B. No. 64, "An act to locate a Territorial Road from Olympia to mouth of the Columbia River;" H. B. No. 66, "An act regulating the building of Wharves." And that the House insist upon their amendments to C. B. No. 22, "a Prohibitory Liquor Law," and appointed Messrs. Strong, Denny, and Huntington as a committee of conference.

Then adjourned till half past one P. M.

The President announced the appointment of Messrs. Miles, Yantis, and Sayward a committee of conference, on the part of the Council, on C. B. No. 22, "a Prohibitory Liquor Law."

House amendments to C. B. No. 13, "An act to create Cowlitz County," before the Council at adjournment, was taken up.

Mr. Bigelow moved to amend, by striking out, and inserting so as to read, "thence north, to the east fork of the Cowlitz river; thence following that river, to where it meets the west fork; thence due west to the dividing ridge of the waters of the Chehalis and Columbia rivers."

Amendment adopted, and bill, as amended, passed.

First reading of H. B. No. 64, "An act to locate a Territorial Road from Olympia to mouth of Columbia river."

On motion of Mr. Yantis,

Rules suspended, bill read a second time by title, and referred to committee on Roads and Highways.

First reading of H. B. No. 66, "An act regulating the building of Wharves."

Pursuant to Resolution, Council proceeded to the Hall of the House of

Representatives, to meet in joint convention to elect three Prosecuting Attorneys, and having spent some time therein, resulted as follows:—

Hon. F. A. Chenoweth, for the First Judicial District.

Hon. D. R. Bigelow, for the Second Judicial District.

F. A. Clark, Esq., for the Third Judicial District.

The joint convention then adjourned.

On the return of the Council to their Chamber,

Mr. Bradford moved to suspend the rules, and read H. B. No. 66, "An act regulating the building of Wharves," a second time.

Carried, and bill read a second time.

On motion of Mr. Balch,

Rules further suspended, bill read a third time and passed, and the title approved.

On leave, Mr. Sayward, from committee of Ways and Means, reported back H. B. No. 65, "Liens of Mechanics and others, for Labor and Materials."

Council resolved itself into committee of the whole, to consider said bill.

Mr. Tappan in the Chair.

After some time spent therein, committee rose and reported back said bill, with the following amendments:—

In section 1, lines two and three, strike out, "or who may have furnished any engine, or other machinery, for any mill, or other manufactory."—And in section 2, line five, strike out words, "engine or machinery," and recommended the passage of the bill.

Report adopted, and committee discharged.

Mr. Sayward moved further to amend, by striking out in line one, section 2, the words, "whether due or not." Lost.

Mr. Sayward moved to strike out "twenty," in last line of section 1, and insert "fifty." Carried.

Bill, as amended, read a third time, and on the question—Shall the bill pass? the yeas and nays were ordered, and were:—

Ayes—Balch, Bigelow, Bradford, Tappan, and the President—5.

Noes—Catlin, Sayward, and Yantis—3.

Absent—Mr. Miles—1.

So the bill was passed, and the title approved.

On motion, rules suspended, and H. B. No. 74, "An act appointing officers for Jefferson County," read a third time and passed, and the title approved.

Then adjourned.

SATURDAY, April 22d, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

At the request of Mr. President, Mr. Miles took the Chair, and leave of absence was granted to the President for a short time.

The journals were read and approved.

Mr. Bradford, from the committee on Roads and Highways, to whom was referred H. B. No. 64, "An act to locate a Territorial Road from Olympia to the mouth of the Columbia river," reported back said bill, amending the title so as to read, "An act to locate a Territorial Road from the Columbia river, between Todd's Bay and Cape Disappointment, to intersect at or near the house of Sidney S. Ford, with the Territorial Road located from Olympia, on Puget Sound, to Monticello, at the mouth of the Cowlitz."

Strike out in line three, section 1, the words, "from Olympia, on Puget Sound, to some point at," and add to 4th line, "to intersect at or near the house of Sidney S. Ford, with the Territorial Road from Olympia, on Puget Sound, to Monticello, near the mouth of the Cowlitz River."

They also reported back H. B. No. 27, "An act to locate a Territorial Road from Olympia, via De Shutes, to Gray's Harbor and Shoalwater Bay," striking out in title the words, "via De Shutes, Gray's Harbor, and;" strike out in line two, section 1, "James H. Roundtree, and Nelson Barnes," and insert B. F. Yantis and John Vail." In line three, strike out "via De Shutes and Gray's Harbor." In section 3, line two, strike out "Pacific," and insert "Chehalis." In section 4, line three, strike out "Pacific," and insert "Chehalis."

(Signed,)

D. F. BRADFORD,

Ch'mn. Com. Roads & Highways.

C. B. No. 34, "An act supplemental to an act, entitled 'An act relative to Elections, and the mode of supplying vacancies.'"

Mr. Sayward moved to amend 1st section, by striking out the words "read and write the English language."

Mr. Sayward amended his motion, so that section should read, "speak the English language, or that of some civilized nation," and on the amendment to the amendment, the yeas and nays were ordered, and were:—

Ayes—Bigelow, Miles, Sayward, Tappan, and the President—5.

Noes—Balch, Bradford, Catlin, and Yantis—4.

The question recurring on the motion as amended, the yeas and nays were ordered, and were:—

Ayes—Bigelow, Miles, Sayward, Tappan, and the President—5.

Noes—Balch, Bradford, Catlin, and Yantis—4.

Mr. Miles moved to strike out in the 2d section, the clause, “and the votes of such precinct shall not be counted,” and called the yeas and nays, which were:—

Ayes—Mr. Miles—1.

Noes—Balch, Bigelow, Bradford, Catlin, Sayward, Tappan, Yantis, and the President—8.

Bill, as amended, read a third time, and on the question—Shall the bill pass? the yeas and nays were ordered, and were:—

Ayes—Bigelow, Bradford, Catlin, and Yantis—4.

Noes—Balch, Miles, Sayward, Tappan, and the President—5.

So the bill did not pass.

Message from the House, announcing passage of H. B. No. 76, “An act relative to Crimes and Punishments, and Proceedings in Criminal Cases.”

On leave, Mr. Bradford introduced the following Resolution:—

Resolved, That hereafter when the Council adjourns, it shall meet at 9 o'clock A. M., and 1½ P. M.

Rules suspended, and Resolution read and adopted.

Then adjourned.

AFTERNOON SESSION.

H. B. No. 68, “An act to authorize the Assessor of each County to take the Census,” read a third time and passed.

Mr. Balch moved to reconsider the vote by which Council refused to pass C. B. No. 34, “An act supplemental to an act, entitled ‘An act relative to Elections, and the mode of supplying vacancies;’” and on this motion, the yeas and nays were ordered, and were:—

Ayes—Balch, Bradford, Catlin, and Yantis—4.

Noes—Bigelow, Miles, Sayward, Tappan, and the President—5.

So the Council refused to reconsider.

Report of committee on Roads and Highways adopted.

Amendments to H. B. No. 27, "An act to locate a Territorial Road from Olympia, via De Shutes, to Grey's Harbor and Shoalwater Bay," were read.

Bill, as amended, read a third time, passed, and the title amended, so as to read, "An act to locate a Territorial Road from Olympia to Shoalwater Bay."

Amendments to H. B. No. 64, "An act to locate a Territorial Road from Olympia, on Puget Sound, to the mouth of the Columbia river."

As amended, bill read a third time, passed, and title so amended as to read, "An act to locate a Territorial Road from the Columbia river, between Todd's Bay and Cape Disappointment, to intersect, at or near the house of Sidney S. Ford, with the Territorial Road located from Olympia, on Puget Sound, to Monticello, near the mouth of the Cowlitz river."

H. B. No. 74, "An act appointing officers for Jefferson County," taken up.

On motion of Mr. Sayward,

Strike out, in first and second line, "L. B. Hastings and E. H. McAlmond," and insert "F. W. Pettygrove and D. F. Brownfield." In line six, strike out "Albert Briggs," and insert "J. K. Thorndike." In line eleven, insert "and J. P. Keller." Add to section the words, "and F. W. Pettygrove be appointed judge of probate."

Bill, as amended, read a third time, passed, and the title approved.

Message from the House, announcing passage of H. B. No. 75, "An act to provide for Printing the Laws in the Pioneer and Democrat;" of H. B. No. 78, "An act appointing officers for Pacific County;" of "Memorial as to Mails on the Columbia river;" and that the House had concurred in Council amendment of House amendment to C. B. No. 13, "An act to create the County of Cowlitz," and as amended, had passed said bill.

C. B. No. 32, "An act to locate a Territorial Road from at or near the head of Hood's Canal, to Shoalwater Bay," read a third time, and passed.

First reading of H. B. No. 76, "An act relative to Crimes and Punishments, and Proceedings in Criminal Cases."

Rules suspended, and bill read a second time by title.

Council resolved itself into committee of the whole, to consider said bill.

Mr. Sayward in the Chair.

After some time spent, committee rose, reported progress, and asked leave to sit again, which was granted.

House amendments to C. B. No. 31, "An act to increase County Revenue," read and concurred in.

First reading of H. B. No. 75, "An act to provide for the Printing of the Laws in the Pioneer and Democrat."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

First reading of H. B. No. 78, "An act appointing officers for Pacific County."

Rules suspended, and bill read a second time by title.

"Memorial as to Mails on the Columbia river," read and adopted by Council.

Order of the day.—House amendments to C. B. No. 19, "An act relative to Waifs, Estrays, and other unclaimed Personal Property."

Mr. Bradford moved to lay on table till Monday next. Carried.

Then adjourned.

MONDAY, April 24th, 1854.

Council met pursuant to adjournment.

Council was called to order by the Chief Clerk.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, and Yantis.

On motion of Mr. Bradford,

Mr. Bigelow in the Chair.

The journal was read and approved.

House amendments to C. B. No. 19, "An act relative to Waifs, Estrays, and other unclaimed Personal Property," taken up, and respectively concurred in, except a proviso, added to second section, in which they non-concurred.

Council then resolved itself into committee of the whole, on H. B. No. 76, "An act relative to Crimes and Punishments, and Proceedings in Criminal Cases."

Mr. Tappan in the Chair.

After some time spent therein, the committee rose, reported back said bill, with sundry amendments, and asked to be discharged.

Report adopted, and committee discharged.

Bill, as amended, read a third time, and passed.

Message from the House, announcing passage of C. B. No. 27, "An act supplementary to, and explanatory of an act, entitled 'An act relative to Counties;'" of C. B. No. 30, "An act relative to Weights and Measures," with amendments; of H. B. No. 82, "An act authorizing County Commissioners to locate Lands, for the benefit of County Seats;" of H. B. No. 79, "An act to create and organize the County of Walla Walla;" of H. B. No. 77, "An act relative to Scows, Boats, Skiffs, and other Water Crafts, found adrift;" of H. B. No. 83, "An act appointing officers to fill vacancies in Lewis County;" of H. B. No. 84, "An act appointing officers for King County;" of H. B. No. 85, "An act relating to Official Seals," and of a "Resolution relative to the Annexation of the Sandwich Islands."

On motion of Mr. Bradford,

The "Resolution relative to the Annexation of the Sandwich Islands," was read.

Mr. Bradford moved its adoption, and called for the ayes and noes, which were:—

Ayes—Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, and Yantis—8.

Noes—None.

Absent—Mr. President—1.

First reading of H. B. No. 85, "An act appointing officers to fill vacancies in Lewis County."

First reading of H. B. No. 79, "An act to create and organize the County of Walla Walla."

First reading of H. B. No. 82, "An act authorizing County Commissioners to locate Lands, for the benefit of County Seats."

House amendments to C. B. No. 30, "An act relative to Weights and Measures," read and concurred in, and bill passed.

First reading of H. B. No. 84, "An act appointing officers for King County."

First reading of H. B. No. 77, "An act relating to Scows, Boats, Skiffs, and other Water Crafts, found adrift."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time, passed, and the title approved.

First reading of H. B. No. 85, "An act relating to Official Seals."

Rules suspended, and bill read a second time by title.

Rules further suspended, and bill read a third time, passed, and the title approved.

Message from the House, announcing passage of H. B. No. 86, "An act appointing officers for Chehalis County," and of "Resolution relative to adjourning *sine die*."

First reading of H. B. No. 86, "An act appointing officers for Chehalis County."

Rules suspended, to take up and read a second time, H. B. No. 82, "An act authorizing County Commissioners to locate Lands, for the benefit of County Seats."

Bill read a second time.

Rules further suspended, and bill read a third time, passed, and the title approved.

Rules suspended, to read a second time, H. B. No. 79, "An act to create and organize the County of Walla Walla."

Bill read a second time by title.

On leave, Mr. Sayward introduced C. B. No. 35, "An act to establish and define the southern boundary of Jefferson County."

Bill read a first time.

Rules suspended, bill read a second time by title, and

On motion of Mr. Bradford,

Referred to committee on Counties.

Then adjourned.

AFTERNOON SESSION.

Mr. President in the Chair.

Rules suspended, to read H. B. No. 84, "An act appointing officers for King County," a second time.

Bill read a second time.

Rules further suspended, and bill read a third time and passed.

Rules suspended, to read a second time, H. B. No. 86, "An act appointing officers for Chehalis County."

Bill read a second time.

On motion of Mr. Miles,

Strike out "Henry Whitcomb," and insert "John Brady."

On motion of Mr. Miles,

Rules further suspended, and bill read a third time, passed, and the title approved.

"Resolution as to adjournment sine die," taken up.

On the question of its passage, the yeas and nays were ordered, and were:—

Ayes—Bigelow, Bradford, Catlin, Tappan, and Yantis—5.

Noes—Balch, Miles, Sayward, and the President—4.

So the Resolution passed.

Mr. Bradford in the Chair.

On leave, Mr. McConaha presented a petition from C. C. Terry, and fifty-four others, and a Memorial, signed by T. S. Russell and others, for relief for damages, incurred in an expedition made by T. S. Russell and others, in arresting certain Indian depredators.

Referred to committee on Memorials, with instructions to report to-morrow, if practicable.

On leave, Mr. McConaha introduced C. B. No. 36, "An act to incorporate the Michigan and Pacific Rail Road Company."

Bill read a first time.

Rules suspended, and bill read a second time by title.

On motion of Mr. McConaha,

Referred to committee on Ways and Means.

Mr. Catlin moved to increase "Council committee on apportionment of Legislative representation," one more, so as to have one member from each Council district. Carried.

The President appointed Mr. Yantis the additional member.

On leave, Mr. Miles introduced C. B. No. 37, "An act for the relief of James C. Strong."

Bill read a first time.

Rules suspended, bill read a second time by title, and referred to committee on Claims.

Then adjourned.

TUESDAY, April 25th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

Journal read and approved.

Mr. Bradford, from the committee on Memorials, reported back the petition of C. C. Terry and others, and Memorial of T. S. Russell and others, with a Resolution accompanying.

Mr. Catlin, from the committee on Ways and Means, reported back C. B. No. 36, "An act to incorporate the Michigan and Pacific Rail Road Company," with a recommendation that said bill be laid on the table.

Mr. Miles, from the committee on Claims, reported back C. B. No. 37, "An act for the relief of James C. Strong," with a recommendation that said bill be indefinitely postponed.

Mr. Tappan, from the committee on Counties, reported back C. B. No. 35, "An act to establish and define the southern boundary of Jefferson County," with a recommendation that said bill pass.

H. B. No. 79, "An act to create and organize the County of Walla Walla," read a third time and passed.

H. B. No. 83, "An act appointing officers to fill certain vacancies in Lewis County," came up in order for third reading.

Mr. Catlin moved to amend, by striking out all after the word "that," in line two, section 1, and inserting the following:—"L. H. Davis and G. H. Roberts be, and are hereby, appointed county commissioners; that A. B. Dillenbaugh be, and is hereby, appointed sheriff; that J. L. Mitchell be, and is hereby, appointed assessor; that E. D. Warbass be, and is hereby, appointed treasurer; that Martin Prudon be, and is hereby, appointed coroner; that C. C. Pagett be, and is hereby, appointed county superintendent of common schools; that John R. Jackson be, and is hereby, appointed justice of the peace; all in and for the county of Lewis."

On motion of Mr. Miles,

Bill and amendments laid on the table.

Report of committee on Counties—C. B. No. 35, "An act to establish and define the southern boundary of Jefferson County"—received.

Mr. Sayward moved to amend bill and title, so as to read "south eastern," instead of "southern." Carried.

Bill, as amended, read a third time and passed.

Title amended to read: "An act to establish and define the south eastern boundary of Jefferson County."

On leave, Mr. Bigelow, from select committee, to whom was referred H. B. No. 37, "An act to provide for Assessing and Collecting the County and Territorial Revenue," reported back the same, with sundry amendments.

Report received.

On motion of Mr. Bradford,

Council resolved itself into committee of the whole, to consider said bill and report.

Mr. Tappan in the Chair.

After some time spent therein, committee rose and reported said bill back, with amendments, and asked to be discharged.

Report received, and committee discharged.

Message from the House, announcing the passage of H. B. No. 93, "An act to provide for the payment of the Code Commissioners;" of H. B. No. 88, "An act for the relief of the Sheriff of King County;" of H. B. No. 89, "An act to appoint officers for Clarke County;" of H. B. No. 92, "An act to appoint officers for Walla Walla County;" of H. B. No.

94, "An act relating to Territorial Roads;" of H. B. No. 87, "An act to locate a Territorial Road from Cathlamet to Sidney S. Fords;" of H. B. No. 81, "An act to create and organize Wahkiakum County;" of C. B. No. 29, "An act appointing officers for Cowlitz County," with amendments; and of "Joint Resolution, relative to the Northern Boundary of the United States."

Then adjourned.

AFTERNOON SESSION.

C. B. No. 37, "An act to provide for Assessing and Collecting the County and Territorial Revenue"—report of select committee, as amended in committee of the whole.

Mr. Catlin moved to amend section 1, by inserting after "years," the words, "and not above fifty."

Mr. Bigelow moved to amend amendments, by striking out "fifty," and inserting "sixty."

Amendments of Mr. Bigelow carried, and Mr. Catlin's motion, as amended, carried.

Report of committee of the whole adopted.

Bill, as amended, read a third time, and the question being—Shall the bill pass? the yeas and nays were ordered, and were:—

Ayes—Balch, Bigelow, Bradford, Catlin, Miles, Tappan, and Yantis—7.

Noes—Sayward and the President—2.

Report of committee on Claims, to indefinitely postpone C. B. No. 37, "An act for the relief of James C. Strong," adopted, and bill so disposed of.

First reading of H. B. No. 88, "An act for the relief of the Sheriff of King County."

Rules suspended, bill read a second time, and referred to committee on Claims.

"Resolution relative to the Northern Boundary of the United States," read and adopted.

First reading of H. B. No. 93, "An act to provide for the payment of the Code Commissioners."

Rules suspended, and bill read a second time by title.

First reading of H. B. No. 89, "An act to appoint officers for Clarke County."

Rules suspended, bill read a second time by title, and, on motion, referred to a select committee, consisting of Messrs. Bradford and Tappan.

First reading of H. B. No. 92, "An act appointing officers for Walla Walla County."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time, passed, and the title approved.

First reading of H. B. No. 94, "An act relating to Territorial Roads."

Rules suspended, bill read a second time by title, and referred to committee on Roads and Highways."

First reading of H. B. No. 87, "An act to locate a Territorial Road from Cathlamet to Sidney S. Ford's."

First reading of H. B. No. 81, "An act to create and organize Wahkiakum County."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time, passed, and the title approved.

House amendments to C. B. No. 29, "An act appointing officers for Cowlitz County," read and concurred in.

On leave, Mr. Tappan, from select committee, to whom was referred H. B. No. 89, "An act to appoint officers for Clarke County," reported back said bill, amended, so as to add, "and Solomon Strong constable, in and for the precinct of Cathlapoodle."

Report adopted.

Bill, as amended, under suspension of the rules, read a third time, passed, and the title approved.

Rules suspended, to read a second time, H. B. No. 87, "An act to locate a Territorial Road from Cathlamet to Sidney S. Ford's."

Bill read a second time.

Mr. Catlin moved to exempt Cowlitz county from expense incurred by this bill. Lost.

Mr. Catlin moved to indefinitely postpone. Lost.

Rules further suspended, and bill read a third time.

The question being—Shall the bill pass? the yeas and nays were ordered, and were:—

Ayes—Balch, Bradford, Miles, Sayward, and Tappan—5.

Noes—Bigelow, Catlin, Yantis, and the President—4.

So the bill passed, and the title was approved.

On motion of Mr. Bigelow,

H. B. No. 93, "An act to provide for the payment of the Code Commissioners," was taken up.

Mr. Bigelow moved to strike out "ten" and insert "six." Strike out "seven" and insert "four."

Mr. Balch in the Chair.

Mr. McConaha moved to amend Mr. Bigelow's motion, so that the Clerks should be entitled to "six."

Amendment accepted; and on Mr. Bigelow's amendment, as amended, the ayes and noes were ordered, and were:—

Ayes—Bigelow, Catlin, Miles, and the President—4.

Noes—Balch, Bradford, Sayward, Tappan, and Yantis—5.

So the amendment was lost.

Mr. McConaha moved to strike out "seven" and insert "ten," and called the ayes and noes, which were:—

Ayes—Balch, Miles, Yantis, and the President—4.

Noes—Bigelow, Bradford, Catlin, Sayward, and Tappan—5.

So the amendment was lost.

Mr. Catlin moved to strike out "seven" and insert "eight," and on this motion the yeas and nays were ordered, and were:—

Ayes—Balch, Catlin, Miles, and the President—4.

Noes—Bigelow, Bradford, Sayward, Tappan, and Yantis—5.

So the amendment was lost.

Mr. Sayward moved to add to last section, "and the President of the Council." Carried.

Rules suspended, and bill, as amended, read a third time.

The question now being, "Shall the bill pass? the yeas and nays were ordered, and were:—

Ayes—Balch, Bradford, Sayward, Tappan, and Yantis—5.

Noes—Bigelow, Catlin, Miles, and the President—4.

So the bill passed, and the title was approved.

On leave, Mr. Bradford, from committee on Roads and Highways, to whom had been referred H. B. No. 94, "An act relative to Territorial Roads," reported back said bill, so amended: add proviso, "*Provided*, That road commissioners, on their resignation, may appoint their successors."

Report adopted.

Rules suspended, and bill, as amended, read a third time and passed, and the title approved.

On leave, Mr. Sayward introduced C. B. No. 38, "An act to create and organize the County of Clallam."

Bill read a first time.

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

Then adjourned.

WEDNESDAY, April 26th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and Mr. President.

The reading of the journal was dispensed with.

Mr. Miles from committee on Claims, reported back H. B. No. 88, "An act for the relief of the Sheriff of King County," with a recommendation that it be indefinitely postponed.

The President announced the appointment of Messrs. Bigelow and Miles as a committee of conference on the part of the Council, on C. B. No. 19, "An act relative to Waifs, Estrays, and other unclaimed Personal Property."

Message from the House, announcing the passage of H. B. No. 100, "An act to appoint officers for Wahkiakum County;" of H. B. No. 102, "An act to locate the county seat of Walla Walla County," and of H. B. No. 80, "An act to regulate Fees and Costs."

Report of committee on Claims on H. B. No. 88, "An act for the relief of the Sheriff of King County," taken up.

Mr. Sayward moved its adoption.

Mr. Balch in the Chair.

Mr. McConaha moved to refer the bill and report to the committee on the Judiciary. Carried.

Mr. Miles moved to substitute Mr. Sayward on the Judiciary committee, in place of the mover (Mr. Miles).

Mr. Bigelow moved to amend, so that Mr. Sayward be added to the committee. Carried.

Mr. Sayward was added to said committee.

First reading of H. B. No. 102, "An act to locate the county seat of Walla Walla."

First reading of H. B. No. 100, "An act to appoint officers for Wahkiakum County."

First reading of H. B. No. 80, "An act regulating Fees and Costs."

Rules suspended, and bill read a second time by title.

Mr. Bigelow moved to amend line eleven, page four, by striking out "twenty-five," and inserting "thirty." Carried.

Mr. Bradford moved to amend, by striking out "twenty-five," wherever it occurs, for like service, and inserting "thirty."

Mr. Bradford withdrew his motion, and

Mr. Tappan moved to reconsider the vote adopting Mr. Bigelow's motion.

Reconsidered, and Mr. Bigelow's motion lost.

On motion of Mr. Miles,

Bill referred to select committee of three.

The President appointed on said committee Messrs. Miles, Bigelow, and Yantis.

Then adjourned.

AFTERNOON SESSION.

Mr. Bradford moved to suspend the rules, and read a second time H. B. No. 100, "An act to appoint officers for Wahkiakum County."

Bill read a second time.

Rules further suspended, bill read a third time, passed, and the title approved.

Rules suspended, to read a second time H. B. No. 102, "An act to locate the county seat of Walla Walla."

Bill read a second time.

Rules further suspended, bill read a third time, passed, and the title approved.

Mr. Miles moved to take up H. B. No. 83, "An act appointing officers to fill vacancies in Lewis County."

The question was taken on Mr. Catlin's amendment, pending which, the bill was laid on table, and the amendment lost.

Bill read a third time, passed, and the title approved.

Message from the House, announcing passage of H. B. No. 96, "An act to apportion the representation of the Legislative Assembly;" H. B. No. 101, "An act relating to Pilots on the Columbia River and Shoalwater Bay."

First reading of H. B. No. 96, "An act to apportion the representation of the Legislative Assembly."

First reading of H. B. No. 101, "An act relating to Pilots on the Columbia River and Shoalwater Bay."

Rules suspended, and bill read a second time by title.

Mr. Balch moved to amend section 7, by striking out "five," and inserting "three." Carried.

Mr. Sayward moved to amend section 1, by striking out "James Scarborough," and inserting "William Strong." Carried.

On motion, bill referred to committee on Commerce.

On leave, Mr. Bigelow introduced C. B. No. 39, "An act relating to Executors, Administrators, and the Distribution of Real and Personal Property."

Bill read a first time.

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

On leave, Mr. Bigelow introduced C. B. No. 40, "An act relating to Wills."

Bill read a first time.

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

Mr. Bradford moved to suspend the rules, and take up H. B. No. 96, "An act to apportion the representation of the Legislative Assembly."

Mr. Catlin objected.

The President decided "it required a vote of *two-thirds* to suspend the rules, if any member objected. As there was nothing in the rules of the

Council to warrant a majority vote to suspend, the precedents all went to establish the necessity of a vote of two-thirds."

Motion withdrawn.

Then took a recess till 5 o'clock. At 5 o'clock re-convened, and then adjourned till 7 o'clock this evening.

EVENING SESSION.

Absent Messrs. Bigelow and Miles.

On leave, Mr. Catlin introduced C. B. No. 41, "An act for the relief of A. B. Dillenbaugh, Sheriff of Lewis County."

Bill read a first time,

Rules suspended, bill read a second time, and

On motion of Mr. Tappan,

Referred to committee on Claims, with instructions to report to-morrow afternoon.

Then adjourned.

THURSDAY, April 27th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

Journal read and approved.

Mr. Miles, from select committee, to whom was referred H. B. No. 80, "An act regulating Fees and Costs," reported back said bill, with sundry amendments.

Mr. Bradford from committee of conference on "Memorial as to making Budd's Harbor a Port of Delivery," reported, recommending "Port Ludlow and Budd's Harbor to be made Ports of Delivery."

Mr. Balch, from committee on Commerce, to whom was referred H. B. No. 101, "An act relating to Pilots on the Columbia River and Shoalwater Bay," reported back said bill, with sundry amendments.

On leave, Mr. Sayward introduced C. B. No. 42, "An act to locate a Territorial Road from Shoalwater Bay to Gray's Harbor, and thence to intersect a Road from Olympia to Shoalwater Bay."

Bill read a first time.

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

H. B. No. 96, "An act to apportion the representation of the Legislative Assembly," was, on motion, laid upon the table.

H. B. No. 101, "An act relating to Pilots on the Columbia River and Shoalwater Bay,"—report of committee on Commerce—adopted.

Bill, as amended, read a third time and passed, and the title approved.

Report of select committee on H. B. No. 80, "An act to regulate Fees and Costs," taken up.

On motion, said report was considered by sections.

Message from the House, announcing passage of H. B. No. 95, "An act defining the Judicial Districts of the Territory of Washington;" H. B. No. 99, "An act to define the place of holding the United States District Court for Pacific County;" H. B. No. 102, "An act to regulate the Practice and Proceedings in Civil Actions;" C. B. No. 35, "An act to establish and define the south eastern boundary of Jefferson County;" of the amendment of report of the committee of conference on "Memorial as to making Budd's Harbor a Port of Delivery." The non-concurrence in Council amendments to H. B. No. 64, "An act to locate a Territorial Road from Olympia to mouth of the Columbia River." The non-concurrence in Council amendments to H. B. No. 37, "An act to provide for Assessing and Collecting the County and Territorial Revenue."

Council resumed the consideration of report of select committee on H. B. No. 80, "An act to regulate Fees and Costs."

Mr. Balch moved to adopt the report of committee. Carried.

Mr. Tappan moved to reconsider the vote, and consider the items of the bill.

Vote reconsidered.

In first line, strike out "\$1,20," and insert "10;" in page two, strike out "poundage," and insert "per centage;" make "00,6," "1 per cent;" make "00,2," "5 mills."

Remainder of report was rejected.

Bill, as amended, read a third time, and the question being on the passage of the bill, the ayes and noes were ordered, and were:—

Ayes—Bradford, Catlin, Sayward, Tappan, and the President—5.

Noes—Balch, Bigelow, Miles, and Yantis—4.

So the bill passed, and the title was approved.

On motion of Mr. Catlin,

H. B. No. 96, "An act to apportion the representation of the Legislative Assembly," was taken up.

Mr. Catlin moved the following amendment to section 1:—

In line four, amend so as to read, "Cowlitz, Wahkiakum, and Pacific shall elect one. Lewis shall elect one." In line six, "Pierce shall elect one." In line seven, "King and Whatcom shall elect one." In line eight, "Island, Jefferson, and Clallam shall elect one."

Amendment adopted.

Message from the House, announcing passage of C. B. No. 40, "An act relating to Wills;" C. B. No. 39, "An act relating to Executors, Administrators, and the distribution of Real and Personal Property;" H. B. No. 90, "An act to regulate the time within which Civil Actions may be commenced;" and H. B. No. 97, "An act to create the office of Wreck Master, and define his duties."

Council resumed the consideration of H. B. No. 96, (the apportionment bill.)

In line fourteen, strike out "two" and insert "one." Carried.

In line nineteen, strike out "four," and insert "three."

Pending this motion,

Council adjourned.

AFTERNOON SESSION.

Message from the House, announcing the passage of "Resolution suspending the operation of rule No. 11, of Joint Rules and Orders," and the passage of H. B. No. 108, "An act to regulate the Practice and Pleadings in Prosecutions for Crimes."

Council resumed the consideration of H. B. No. 96, (the apportionment bill.)

The amendment in line nineteen, pending at adjournment, taken up.

Mr. Catlin moved to refer to a select committee of five, consisting of one from each Council District. Carried.

The President appointed Messrs. Catlin, Bradford, Yantis, Balch, and Sayward on said committee.

Message from the House, announcing passage of H. B. No. 105, "An act assigning the District Judges of Washington Territory;" H. B. No. 106, "An act in regard to Clerks of the Supreme and District Courts, and prescribing certain duties for such Clerks;" H. B. No. 107, "An act to provide for stay of Execution upon Judgments in the Supreme and District Courts."

*First reading of H. B. No. 102, "An act to regulate the Practice and Proceedings in Civil Actions."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

First reading of H. B. No. 108, "An act to regulate the Practice and Pleadings in Prosecutions for Crimes."

First reading of H. B. No. 107, "An act to provide for stay of Execution upon Judgments in the Supreme and District Courts."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

First reading of H. B. No. 106, "An act in regard to Clerks of the Supreme and District Courts, and prescribing certain duties for such Clerks."

Rules suspended, and bill read a second time by title.

Mr. Sayward moved to amend, by striking out the 5th section, and substituting the following: "Section 5. The county commissioners of each county shall provide an office, at the county seat of the county, or make reasonable allowance therefor, until suitable county buildings are erected, where said clerk, in person or by his deputy, shall attend at all times during the session of the court, and at reasonable times, and on seasonable notice, shall be present during vacation." Carried.

*It is proper to note, that the "Civil Practice Act" had informally been considered, by sections, in a committee of the whole, before it had been officially reported to the house, on Wednesday, April 26th, during the recess, in the afternoon session. This accounts for the three several readings under the suspension of the rules, and its seemingly hurried passage by the Council.—CLERK'S NOTE.

Rules further suspended, and bill, as amended, read a third time, and passed.

First reading of H. B. No. 90, "An act to regulate the time within which Civil Actions may be commenced."

Rules suspended, bill read a second time by title, and referred to the committee on Judiciary.

First reading of H. B. No. 95, "An act to define the Judicial Districts of Washington Territory."

Rules suspended, and bill read a second time.

Mr. Bigelow moved to amend, by adding section, "This act to take effect and be in force, from and after June 1st, 1854."

Mr. Catlin moved to amend in section 1, by inserting "Olympia, the temporary seat of government, until otherwise provided."

Mr. Bradford moved to amend Mr. Catlin's motion, by striking out "Olympia," and inserting "Cowlitz Landing." Lost.

Mr. Sayward moved to strike out "Olympia," and insert "Steilacoom," and on this motion the ayes and nays were ordered, and were:—

Ayes—Balch, Bradford, Miles, Sayward, and the President—5.

Noes—Bigelow, Catlin, Tappan, and Yantis—4.

The question recurring on Mr. Catlin's motion, as amended, it was carried.

Rules further suspended, and bill, as amended, read a third time and passed, and the title approved.

Mr. Miles, from committee on Claims, reported back C. B. No. 41, "An act for the relief of A. B. Dillenbaugh, Sheriff of Lewis County," and recommended that it be indefinitely postponed.

Report received.

Mr. Catlin moved to lay upon the table. Carried.

First reading of H. B. No. 105, "An act assigning the District Judges of Washington Territory."

Rules suspended, and bill read a second time.

On leave, Mr. Sayward, from the committee on the Judiciary, to whom was referred H. B. No. 88, "An act for the relief of the Sheriff of King County, made the following report:—

"The Judiciary committee, to whom was referred the bill 'for the relief of the Sheriff of King county,' for costs and expenses incurred in arresting and bringing to justice an Indian charged with murder, have considered the same, and report: That they believe the Territory of Washington is under no legal obligation to pay this, or any other bill of expenses, that

have, or may occur, in quelling Indian disturbances in the Territory. And as the Indians are not equally distributed throughout the Territory, and difficulties are most likely to occur where they are most numerous, and the white settlers but few, it must be obvious that it would not be just to compel the counties in which these difficulties occur, to pay expenses, which we consider, more justly chargeable to the Superintendent of Indian Affairs, who has full authority to pay such expenses, out of the contingent fund provided for the payment of Indian expenses; and if such fund is not sufficient to pay said bills, the Superintendent of Indian Affairs should be requested to ascertain, as near as may be, the amount of such bills, and represent the whole matter to the national government, and request a suitable appropriation therefor."

Report adopted, and bill laid on table.

Then adjourned till 7 o'clock P. M.

EVENING SESSION.

Message from the House, announcing passage of H. B. No. 110, "An act relating to Deeds;" H. B. No. 111, "An act relating to the seat of the Territory;" and H. B. No. 112, "An act fixing the age of Majority."

Mr. Bradford moved to take up H. B. No. 108, "An act to regulate the Practice and Pleadings in Prosecutions for Crimes," and that Council resolve itself into committee of the whole, to consider said bill by sections. Carried.

Mr. Sayward in the Chair.

After some time spent therein, committee rose, reported back said bill with sundry amendments, and asked to be discharged.

Report received, and committee discharged.

Report adopted.

Rules suspended, and bill, as amended, read a third time and passed, and the title approved.

Then adjourned.

FRIDAY, April 28th, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

Reading of the journal was dispensed with.

Mr. Bigelow, from the committee on Judiciary, to whom was referred H. B. No. 90, "An act to fix the time within which Civil Actions should be commenced," reported back said bill, and recommended that it should pass.

Report received.

H. B. No. 90, "An act to fix the time within which Civil Actions should be commenced," read a third time and passed, and title approved.

On motion of Mr. Bradford,

"Resolution as to suspending No. 11, of Joint Rules," taken up.
Resolution read and adopted.

H. B. No. 105, "An act assigning the District Judges of Washington Territory," read a third time and passed.

Mr. Catlin, of the select committee, to whom was referred H. B. No. 96, "An act to apportion the representation of the Legislative Assembly," reported "that the majority of said committee had instructed him to say, that, by the Organic Act, members were elected one year, and as the next session of the Legislature would fall within that term, members now elected would hold their seats."

Messrs. Yantis and Bradford, minority of said committee, requested leave to have inserted in the journal, their "entire non-concurrence in the doctrine of the majority report."

Message from House, announcing passage of H. B. No. 114, "An act to appoint officers for Clallam County;" and that they had concurred in that portion of Council amendments to H. B. No. 95, "An act defining the Judicial Districts of the Territory of Washington," as referred to the time of the law going into effect, and non-concurred in the remainder.

Reports of the select committee on H. B. No. 96, (the apportionment bill,) taken up, without taking a vote thereon.

Mr. Catlin moved that a committee of three be appointed, to wait upon Hon. J. S. Clendenin, United States District Attorney, and ask his legal

opinion upon the construction of the section of the Organic Act, relating to terms of office of members of the Legislative Assembly. Carried.

Messrs. Catlin, Balch, and Bradford were appointed said committee.

Mr. Sayward moved that the Council request Hon. William Strong to give a written opinion on same subject. Carried.

The same committee were appointed to wait upon him.

On motion of Mr. Catlin,

Reports laid upon the table.

Message from the House, announcing passage of Council "Joint Resolution as to relief of certain citizens of King County," with amendments; and of "Memorial relative to making Budd's Harbor a Port of Delivery;" of H. B. No. 109, "An act to establish the county seat of Chehalis county;" and of H. B. No. 104, "An act to temporarily locate the county seat of Cowlitz county."

First reading of H. B. No. 109, "An act to establish the county seat of Chehalis County."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

First reading of H. B. No. 110, "An act relating to Deeds."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

First reading of H. B. No. 104, "An act to temporarily locate the county seat of Cowlitz county."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

First reading of H. B. No. 112, "An act fixing the age of Majority."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

House "Memorial as to making Budd's Harbor a Port of Delivery," taken up.

House had amended report of committee of conference, by striking out Port Ludlow; and, as amended, had adopted Memorial.

On motion, the Council concurred in the House amendments to the report of the committee of conference, and the Memorial was passed.

On leave, Mr. Balch introduced a "Resolution relative to making Port Gamble a Port of Delivery."

Rules suspended, and Resolution read.

Mr. Miles moved to amend, by adding "Scagett's Head." Lost.

Mr. Bradford moved to insert "Penn's Cove, on Whidby's Island, also."

Amendment accepted by Mr. Balch, but being withdrawn, on leave, by the mover, the Resolution was then adopted.

First reading of H. B. No. 114, "An act to appoint officers for Clallam county."

Rules suspended, and bill read a second time.

Rules further suspended, bill read a third time and passed, and the title approved.

Message from the House, announcing the non-concurrence in amendments to H. B. No. 37, "An act to provide for Assessing and Collecting County and Territorial Revenue," and H. B. No. 113, "An act relating to Justices of the Peace and Constables, and the Practice before Justices of the Peace."

Then adjourned.

AFTERNOON SESSION.

H. B. No. 37, "An act to provide for Assessing and Collecting the County and Territorial Revenue," taken up.

On motion, Council insists upon its amendments to said bill.

H. B. No. 95, "An act defining the Judicial Districts of Washington Territory," taken up.

On motion, Council recede from the amendments non-concurred in by the House.

Bill passed as last reported from House.

First reading of H. B. No. 113, "An act relating to Justices of the Peace and Constables, and the Practice before Justices of the Peace."

Rules suspended, and bill read a second time.

Rules further suspended, bill read a third time and passed, and the title approved.

The President announced the receipt of a communication from the Hon. John S. Clendenin, United States District Attorney, &c.

Communication read, and

On motion of Mr. Balch,

Ordered to be spread upon the journal. It is as follows:—

“ HON. G. N. MCCONAHA,

“ President of the Council of Washington Territory:—

“ Sir:—Upon examination of the Act of Congress establishing the Territory of Washington, I am clearly of the opinion, that the clause of the law which says, that “term of service of the members of the first House of Representatives, shall continue for one year,” does not mean a year of time, in the strict sense of the term, but means a *Legislative year*.

The second proviso, in the 4th section of the Act, invests the Legislative Assembly with the power of fixing the time of the commencement of the regular sessions of the Legislature; and if we were to construe the term “year” to mean three hundred and sixty-five days, this proviso would be made null and void, by the proviso in the 11th section of the Act, which declares that “there shall be but one regular session of the Legislature in each year,” and the Legislative Assembly could not then fix the time of the commencement of the next regular session, earlier than the 27th day of February, 1855.

“The Legislature has certainly the power to say when the next regular session shall commence. It is also certain, that there can be but one regular session of the Legislature in each year; and it is equally certain, that members elected for one year, cannot hold a seat in two regular sessions of the Legislative Assembly.

“These considerations force the conclusion, that the word “year,” used in fixing the term of service of the members of the first House of Representatives, does not mean twelve months, but a Legislative year.

“Very Respectfully, Yours, &c.,

“J. S. CLENDENIN,

“U. S. Dist. Att’y. Washington Territory.”

On leave, Mr. Catlin withdrew the majority report of the select committee on H. B. No. 96, “An act to apportion the representation of the Legislative Assembly.”

On motion of Mr. Catlin,

H. B. No. 96, (apportionment bill,) taken from the table.

On leave, Mr. Catlin presented another report from the committee, submitting an apportionment, “based on the number of qualified voters, making the total number of representatives 22, and apportioning them as follows:—

| | |
|--|-------|
| Walla Walla shall elect one, | 1 |
| Skamania shall elect one, | 1 |
| Clarke shall elect four, | 4 |
| Cowlitz shall elect one, | 1 |
| Lewis shall elect two, | 2 |
| Wahkiakum and Pacific shall elect one, | 1 |
| Chehalis and Sawamish shall elect one, | 1 |
| Thurston shall elect four, | 4 |
| Pierce shall elect three, | 3 |
| Pierce and King shall elect one, | 1 |
| King shall elect one, | 1 |
| Island and Whatcom shall elect one, | 1 |
| Jefferson and Clallam shall elect one, | 1 |
| | <hr/> |
| Total, | 22 |

Report adopted.

Mr. Catlin's amendment, in line nineteen, pending when bill was laid up-
on table, lost.

Bill, as amended, read a third time and passed, and the title approved.

House amendments to "Resolution as to aid to T. S. Russell, and oth-
ers, citizens of King county, for arrest of Indian depredators," taken up.

On motion, Council non-concur therein.

The President announced the receipt of a communication from the Hon.
William Strong.

Communication read, and

On motion of Mr. Miles,

Ordered to be spread upon the journal. It is as follows:—

April 28th, 1854.

To HON. GEO. N. MCCONAHA,

PRESIDENT OF THE COUNCIL :

SIR :—The two questions upon which the Council have requested my
opinion, I understand to be : First—what is the length of time for which
the present members hold their seats ?

This question is not entirely free from doubt, and owing to the short
time I have had to make the examination, it has not been done as thor-
oughly as I could wish. The answer depends upon the definition you give
to the word "year" in section fourth of the organic act. The term when
used in law sometimes means a solar or a civil year, or it may be applied
to an indefinite period of time, as in a lease from year to year, when it may

mean a day, week, month or year in the ordinary acceptation of the term.

If we construe the term "year" where applied to the time for which a member of the House can hold his office, to mean three hundred and sixty-five days, then he must hold just that length of time, neither more nor less ; and as from accidental circumstances the first election was held on the 30th day of January, upon that day, so long as we are a territory, must the old Legislative Assembly go out and the new one come in.

It is a fair rule of construction, that if the letter of an act is doubtful, the spirit should control. The object of Congress was to provide for annual and biennial elections, and it could not have been their desire to prescribe all the details in the act, but rather to leave them to the Legislative Assembly, and this we shall see by an examination of those portions of the act which give the Legislative Assembly all power to regulate elections, apportion members, and fix the time of holding the sessions. It does not seem to me that any rule of construction would be proper, that would restrict the Legislative Assembly on so small a matter as fixing the time when the old Legislative Assembly should go out and a new one come in, while it allows all other details even of much greater importance to be controlled by them.

Another fair rule of construction is, that when a legislative body use terms in an act that have been previously construed, they are to be considered as using them in the sense in which they were ordinarily received.

In the other territories, similarly organized to ours, it seems to have been the practical construction that the term meant legislative year, and did not set any precise limit in point of time to the office. This construction, Congress must be presumed to have known and acquiesced, in having as it does a veto power on territorial legislation.

If you construe a year in this connection to mean three hundred and sixty-five days, then in other places the same construction must follow, and the legislature could not at any time within a year from the day when this legislature commenced, sit for a longer time than the balance of the one hundred days. The more thoroughly I examine all the provisions of the act, the more difficulties I find in construing it to mean anything else than a legislative year.

In reply to the other question, as to the power of the Legislative Assembly to increase the number of representatives without taking the census, I am clearly of the opinion that they possess the power. Congress has given them authority to increase the number under certain circumstances, and made them sole and exclusive judges of the circumstances under which they should exercise this authority.

True, directions are laid down by which they should be guided in making such increase, but what is to follow if they disregard them ? No penalty

is attached, nor is the act declared void. All the members would be legal members—one just as legally entitled to his seat as another ; for after the territory was re-districted it would be impossible to tell who were elected as increased members. I consider that portion of the act therefore, merely directory, to be followed or not as the Legislative Assembly sees fit.

The Oregon Legislative Assembly have exercised this right and it has been acquiesced in by Congress.

All of which is respectfully submitted,

(Signed,)

WM. STRONG.

Then adjourned till 7 o'clock.

EVENING SESSION.

A message from the House announced passage of H. B. 115—"An act relating to change of venue where new counties are created ;" non-concurrence in Council amendment in section 128, of H. B. 108—"An act to regulate the practice and pleadings in prosecutions for crimes," and the concurrence in the remaining amendments ; that they insisted upon their non-concurrence in Council amendments to H. B. 37—"An act to provide for assessing and collecting the county and territorial revenue."

First reading of H. B. 115—"An act relating to change of venue where new counties are created," rules suspended, bill read a second time by title.

Rules further suspended, bill read a third time and passed.

Amendments to H. B. 108—"An act to regulate the practice and pleadings in prosecutions for crimes ;"

On motion of Mr. Yantis,

Council receded from its amendment to section 128 of said bill, and on this the ayes and noes were ordered, and were:—

Ayes—Messrs. Balch, Bigelow, Bradford, Tappan and Yantis—5.

Noes—Messrs. Catlin, Miles and the President—3.

Absent—Mr. Sayward—1.

The President appointed Messrs. Bigelow, Tappan and Sayward on the part of the Council, to confer with House committee on H. B. 37—"An act to provide for assessing and collecting the county and territorial revenue."

On leave, Mr. Tappan introduced the following resolution :

Resolved, By the Council, that any member who shall be absent fifteen minutes after the Council shall have been called to order, or shall leave without permission, shall, unless excused by the Council, be fined one dollar for every such offense, and said fine shall be paid to the Sergeant-at-arms as a fee for bringing in such delinquent member.

Rules suspended and resolution adopted.

Mr. Bradford in the Chair.

On leave, Mr. McConaha introduced a resolution relative to making Whatcom, on Bellingham Bay, a port of delivery.

Rules suspended, resolution read and adopted.

On leave, Mr. Balch from committee on Commerce, to whom had been referred the subject of light houses in the straits of Fuca, reported by resolution praying appropriation for light houses in the straits of Juan de Fuca ; rules suspended, resolution read and adopted.

Then adjourned

SATURDAY, April 29th, 1854.

Mr. Sayward absent—but soon appearing was excused.

Journal read and approved.

Mr. Bigelow, from committee on Conference on H. B. 37—"An act to provide for assessing and collecting the county and territorial revenue," reported that the committee recommended the adoption of Council amendments to said bill.

A message from the House announced the passage of C. B. 42—"An act to locate a territorial road from Shoalwater Bay to Gray's Harbor, and thence to intersect a road from Olympia to Shoalwater Bay ;" of resolution as to making Whatcom a port of delivery, and that the House had adopted the report of committee of Conference on H. B. 37—"An act to provide for assessing and collecting county and territorial revenue," and as amended had passed said bill ; and of the passage of H. B. 103—"An act to permanently locate the county seat of Pacific county, by a vote of the citizens of said county."

On leave, Mr. Bradford introduced "resolution relative to furnishing the code commissioners and clerks with copies of the laws and journals ;"

The rules were suspended, resolution read and adopted.

A message from the House announced that the House had receded from its amendments to the resolution asking relief for T. S. Russell and others, citizens of King county.

First reading of H. B. 103—"An act to permanently locate the county seat of Pacific county by a vote of the citizens of said county."

The Rules were suspended and bill read a second time by title.

Rules further suspended, bill read a third time and passed.

H. B. 37—"An act to provide for assessing and collecting the county and territorial revenue," report of committee of Conference adopted, bill passed.

On leave, Mr. Bigelow introduced C. B. 44—"An act to appoint a superintendent of common schools and a constable for Olympia precinct."

Bill read a first time, rules suspended and bill read a second time.

Rules further suspended, bill read a third time and passed and title approved.

A message from the House announced the concurrence in so much of Council amendment to H. B. 96—"An act to apportion the representation of the Legislative Assembly," as relates to the House, and their non-concurrence in so much as relates to the Council districts.

Council proceeded to the consideration of said message.

Mr. Bradford in the Chair.

Mr. McConaha moved that Council insist upon their amendment to H. B. 96, (apportionment bill.) Lost.

On motion of Mr. Yantis,

Council receded from amendment.

The bill then passed.

A message from the House announced the passage of joint resolution as to light houses on the straits of Juan de Fuca, with amendment ; of a joint resolution as to Indian difficulties, and of the indefinite postponement of C. B. 43—"An act to locate the county seat of Pierce county."

Amendments to "joint resolution as to light houses,"

On motion of Mr. Balch,

Council concurred therein.

(This amendment was adding one on New Dunginess Sand Spit.)

Joint resolution as to Indian difficulties, read.

Mr. Catlin moved to indefinitely postpone, and on this motion the ayes and noes were ordered, and were:—

Ayes—Messrs. Catlin, Miles and the President—3.

Noes—Messrs. Balch, Bigelow, Bradford, Sayward, Tappan and Yantis—6.

On motion, was referred to a select committee of three.

Then adjourned.

AFTERNOON SESSION.

On leave, Mr. Sayward introduced a joint resolution asking appropriation to defray expenses of Indian arrests."

Rules suspended, resolution read and adopted.

The President announced the appointment of Messrs. Sayward, Catlin and Bigelow, select committee on joint resolution as to Indian difficulties.

On leave, Mr. Miles introduced "memorial relative to grant of land in Lewis county to build an University."

Rules suspended, memorial read and the question on its passage was taken by yeas and noes, and the vote stood as follows :

Ayes—Messrs. Bigelow, Catlin, Miles, Yantis and the President—5.

Noes—Messrs. Balch, Bradford, Sayward and Tappan—4.

So the memorial passed.

A message from the House announced the passage of "joint resolution in relation to furnishing code commissioners and clerks with copies of laws and journals ;" of "joint resolution asking appropriation to defray expenses of Indian arrests ;" of "joint resolution asking Congress to order marshal of Oregon to pay over certain funds, &c., in Washington territory ;" of a "resolution as to making Penn's Cove a port of delivery," and C. B. 44—"An act to appoint a superintendent of common schools for Thurston county, and a constable for Olympia precinct," with amendment.

Reading of amendments to C. B. 44—"An act to appoint a superin-

tendent of common schools for Thurston county, and a constable for Olympia precinct,"—strike out Joseph Cushman and insert Elwood Evans.

Amendment concurred in and bill passed.

"Joint resolution relative to the marshal of Oregon, &c.," read and passed.

"Joint resolution as to making Penn's Cove a port of delivery," read and adopted.

On leave, Mr. Sayward introduced C. B. 45—"An act appointing officers for Jefferson county."

Bill read a first time, rules suspended, bill read a second time by title ; Rules further suspended, bill read a third time and passed.

Mr. Bigelow moved that when the Council adjourn, it adjourn to meet at 7 o'clock A. M., Monday.

Mr. Balch moved to insist $7\frac{1}{2}$; which,

Mr. Tappan moved to amend at 8 o'clock.

The question being first taken on Mr. Tappan's amendment, it was carried. Motion as amended, adopted.

A message from the House announced the passage of "joint resolution as to extra pay for Jas. H. Roundtree as messenger of code commission ;" also of H. B., "An act supplementary to an act to create the board of county commissioners."

"Joint Resolution relative to extra pay to James H. Roundtree," was read and adopted.

First reading of H. B., "An act supplementary to an act, to create the board of County Commissioners."

Rules suspended, and bill read a second time by title.

Rules further suspended, bill read a third time and passed, and the title approved.

On leave, Mr. Sayward, from select committee, to whom was referred "Joint Resolution as to Indian difficulties," reported a substitute for House Resolution.

Report adopted.

Substitute Resolution read and adopted.

Then adjourned.

MONDAY, May 1st, 1854.

Council met pursuant to adjournment.

Present Messrs. Balch, Bigelow, Bradford, Catlin, Miles, Sayward, Tappan, Yantis, and the President.

The reading of the journal was dispensed with.

Message from the House, announcing passage of "Resolution, amending a certain Resolution, asking Congress to create Port Gamble a Port of Delivery," by striking out "Gamble," and inserting "Ludlow;" of C. B. No. 23, "An act for the support of the Poor;" of H. B., "An act to incorporate the Puget Sound and Columbia River Rail Road Company;" of C. B. No. 45, "An act appointing officers for Jefferson county;" and of "Memorial praying the amendment of Organic Act, in regard to apportionment."

"Amendatory Port Gamble Resolution," read and adopted.

"Memorial praying the amendment of Organic Act in regard to apportionment," read and adopted.

First reading of H. B., "An act to incorporate the Puget Sound and Columbia River Rail Road Company."

Rules suspended, and bill read a second time by title.

On motion of Mr. Tappan,

Council resolved itself into committee of the whole, to consider said bill.

Mr. Yantis in the Chair.

After some time spent therein, committee rose, reported back said bill, with sundry amendments, and asked to be discharged.

Report received, and committee discharged.

Report of committee of the whole adopted.

Rules suspended, and bill, as amended, read a third time and passed.

The title, as amended in committee of the whole, was approved.

On leave, Mr. Yantis introduced "Joint Resolution as to contribution to Washington Monument."

Resolution read, and unanimously adopted.

On leave, Mr. Miles introduced the following Resolution:—

Resolved by the Council, That the Printing committee be authorized to order three hundred copies of the Rules and Orders of the Legislative

Assembly of the Territory of Washington, and other public documents, to be equally distributed to the members of the Council.

Rules suspended, and Resolution read and adopted.

Message from the House, announcing the passage of "Joint Resolution relative to contribution to Washington Monument," with amendments; and that the House had finished their business, and were now ready to adjourn.

Reading of amendments to "Joint Resolution relative to contribution to Washington Monument"—"strike out F. A. Chenoweth, and insert Hon. Seth Catlin, Hon. Henry Miles, Hon. B. F. Yantis, and Hon. D. R. Bigelow."

Amendments concurred in, and Resolution passed.

On leave, Mr. Bigelow introduced the following Resolution:—

Resolved by the Legislative Council of the Territory of Washington, That we do hereby tender the thanks of this body to Elwood Evans, Esq., for the able, faithful, and efficient manner with which he has performed the duties of Chief Clerk of this body, for the present session of the Legislature. Also, to U. E. Hicks, Esq., for his faithful discharge of the duties of Assistant Clerk.

Rules suspended, and Resolution unanimously adopted.

On leave, Mr. Miles introduced the following:—

Resolved, That the thanks of the Council be tendered to the Sergeant-at-Arms and the Door Keeper, for the faithful manner in which they have discharged their duties.

Rules suspended, and Resolution read and adopted.

On leave, Mr. Yantis introduced the following Resolution:—

Resolved by the Legislative Council of the Territory of Washington, That this body present their hearty thanks to the Honorable George N. McConaha, the President of this body during its late session, for the able, impartial, dignified, and satisfactory manner in which he has discharged the arduous duties of that position.

Resolved, That in parting with our Presiding Officer, we tender to him our best wishes for his continuance in health, success, and prosperity; and that to his promptness and energy much is due for so speedy a close of the session, and the happy termination of our labors.

The Chief Clerk put the question on the suspension of the rules, which, being carried, the Resolution was read, and unanimously adopted.

After which, Mr. McConaha arose and said:—

SENATORS:—I am not insensible to the generous sentiments, and appro-

batory character of the resolution, which has just received your unanimous sanction. I am, nevertheless, too conscious that the complimentary language in which it is couched, is more to be ascribed to the manliness of the mover, than to any real merit of mine. However gratifying to me, to know that my official acts have met with the unqualified approval of those over whom I have, for a short period, been chosen to preside, it is doubly so, when coming from the source it does. I have seen, and know something of men, both mentally and physically. I think that I know something of my species, and am not altogether a stranger to the business of legislation, and the manœuvering of legislative bodies; and it is due to you, and to the intelligent constituency whose representatives you are, that I should declare, that in fidelity to the people—in singleness of purpose—this body will not only compare favorably with any similar assemblage, but in point of ability and industry, those characteristics will stand in bold relief, when contrasted with any deliberative body, that it has ever been my fortune to observe.

Although by the terms of the Organic Act, the limit of this session was fixed at one hundred days, we have only been sitting but little more than sixty, in which time you have transacted more business than is generally performed in twice that time. All and each of the laws of Oregon, which were in force at the time of our Territorial organization, have been repealed, and one, better adapted to our wants, substituted for each one so repealed; and thus has our Legislature secured to our Territory a new, and and greatly improved code.

In the course of your deliberations, questions of grave moment have been discussed and determined, and I am compelled to say that, upon one occasion, in the heat of warm debate, your presiding officer was not entirely free from that excitement of feeling, so incident thereto; but shortly all unkind feelings were consigned to oblivion, and kind and friendly relations were restored. This was as it should be. Men, when engaged in the discussion of exciting topics—when each one is seeking to impress his own honest convictions upon the minds of others—may, in the effervescence of debate, use language susceptible of unkind interpretation; but is not such language so natural, that it furnishes, generally, the most unmistakable evidence of candor and sincerity upon the part of its utterer, exempting him from any real intention to wound the feelings of opponents. Except the solitary instance to which I have referred, extraordinary good feeling has characterized your actions, and, whenever that warmth of debate has been removed, all of you, senators, have invariably exhibited a commendable spirit of deference to the opinions of brothers on this floor.

Senators: I have long considered that the greatest curse which at this day afflicts the American people, is the fact that a numerous but worthless

class of irresponsible men, and time serving, professional politicians, incessantly haunt the sessions of every State and Territorial Legislature, seeking office and place, asking bonuses and gifts, urging speculative, special, and fraudulent legislation. These out-door jobbers and hangers-on are numerous, and our national Congress is at times beset with their offensive presence. That pressure, if endeavored to be created here, has signally failed, and I appeal to you, senators, always to frown down such movements. Let us go back to first principles; let us imitate the example of our fathers, statesmen, and not mere time serving politicians; let us endeavor to emulate their virtues, and transmit to posterity, unsullied, untarnished, and undimmed, the matchless and beautiful system of democratic government, which their integrity and patriotism bequeathed us.

Gentlemen: you will pardon me if I indulge in a few personal allusions, for however unbecoming such would ordinarily be on occasions like this, the peculiar circumstances with which I have been surrounded during my residence in this country, will, I trust, be my ample apology. For near a year, two of the time-serving presses in Oregon have been teeming with abuse of myself, based upon a personal attack, and reiterating the personal abuse, which I received from a California journal. At the time when these attacks were made upon me, the only press in this Territory, owned and controlled by men who differed with me in politics, the door was barred to my defence, and I was denied a hearing—the right to submit a plain statement of facts in its columns, in my own defence, I was precluded from; nay more, the citizens of King county, who were apprised of the contents of the papers published in Sacramento, who knew the attacks upon me were utterly false and unfounded, asked leave to express their sentiments and attachments to me through that same paper; but the combination against me was too strong, and my fellow citizens of King county were also denied the right to be heard. The object of this organized conspiracy was to defame and prejudice the minds of those who never had seen me—most of you had seen and read all this ere you saw me. With this combination I have had to battle; always, nevertheless, consoling myself, that in all my transactions in private life, as well as in the service of the people, I had never varied from honor and strict integrity, and I but assert my honest conviction, when I declare my unlimited confidence in the intelligence and purity of the people, my firm reliance that the citizens of this Territory • will yet do me ample justice.

Under these circumstances, through your kind partiality, I was chosen to preside over your deliberations, and I am unable suitably to express to you my gratitude; but, while ever so grateful to you, where, where can I find language to express to the people of Pierce and King counties, my feelings of attachment and heartfelt obligation? When I was assailed by

every vulgar and time-serving press, the people of those counties erected a bulwark of public opinion around, and elected me to this branch of the Legislature, by a majority unprecedented in the history of popular suffrage, and it is a fervent thirst which actuates me, when I crave that God may grant me length of days and opportunity to requite, in some degree, their unwavering confidence and generous attachment.

Senators: the representative system of government, which our fathers gave us, is beautiful in its conception, and magnificent in its operation, but it is not unfrequently abused. The relation of representative and constituent is a sacred one. The representative who betrays his trust, may reconcile it with his own conscience—may receive the pardon of his God; but his constituents never ought to forget his treachery. The man who, elected to enact laws for the honest masses, suffers himself to be controlled by outside interests and irresponsible jobbers, is unworthy the name of a man, and a disgrace to public station. That I have braced my mind and shaped my action against such legislation here, you will bear me witness; that I have ever done so in public life, is the reason why I have been assailed.

Senators, I have been suffering under severe indisposition during the greater portion of this session. I have often and freely mingled in your debates, and I dare not assure myself that I have at all times extended that entire courtesy and bland deportment so essential in debate, and still more essential in this chair. But your uniform kindness and partiality have rendered more easy my duty, and have placed me under obligations not to be disregarded. The attachments I have formed for the members of this body, can but cease with my life. I know that my temperament and manner in debate is ardent and enthusiastic, and not always free from sarcasm; but need I indulge the fear that my earnestness of purpose has been misinterpreted by you?

Gentlemen: we have met strangers, but it gives me unfeigned pleasure to know that we part friends, and if any act of mine has given offence to any member, I here offer the amplest apology, and assure you all, that in bidding you farewell, I entertain for every senator in this chamber, sentiments of the highest personal regard. I do not expect to meet with you at your next session, and now, the only duty left me to perform, is to pronounce an individual farewell, and as presiding officer, to pronounce the first Council of Washington Territory adjourned *sine die*.

A true Journal of the Proceedings of the First Session of the Legislative Council of the Territory of Washington, held at Olympia, from the 27th day of February, 1854, to May 1st, 1854, inclusive.

Attest,

ELWOOD EVANS, Chief Clerk.

APPENDIX.

MEMORIALS

PASSED BY THE LEGISLATIVE ASSEMBLY,

AT ITS FIRST SESSION.



1854.

MEMORIALS

PASSED BY THE LEGISLATIVE ASSEMBLY

At its First Session.

1854.

MEMORIAL

To Congress praying the creation of the office of Postal Agent for
Washington Territory.

*To the Honorable, the Senate and House of Representatives
of the United States, in Congress assembled :*

Your memorialists, the Legislative Assembly of the Territory of Washington, legally assembled upon Monday, the twenty-seventh day of February, 1854, would most respectfully represent unto your honorable body that the population of said territory at present, are very inadequately provided with mail arrangements, and that it frequently happens that delays and sometimes failures in delivering the mails occur to the injury of our citizens ; and that the mail agent for Oregon territory, (who at present is also agent for Washington territory,) resides so far from the centre of population of this territory, that at some seasons of the year no communication or complaint relative to the mails can reach him for several weeks, and no reply be received from him for a like period ; and that at the present time, roads are so bad and the inconveniences for travel so great,

that it is a work of great difficulty for the Oregon mail agent to visit the different post offices and pass over the different mail routes of this territory; and that your memorialists are of the opinion that the extent of our territory, and its rapidly increasing population requires that a special mail agent should be appointed for Washington territory, who shall reside in said territory, and give his undivided attention to the mail interests of said territory.

G. N. McCONAHA,

President of Council.

F. A. CHENOWETH,

Speaker of the House of Representatives.

PASSED, March 13th, 1854.

MEMORIAL

Relative to the Columbia River Mail.

*To the Honorable Senate and House of Representatives
of the United States of America, in Congress assembled:*

Your memorialists, the Legislative Assembly of the territory of Washington, would respectively represent that by the present mail contracts upon the Columbia river, some portions of this territory are without any good cause, entirely neglected. We would therefore respectfully ask that the steamers carrying the mail upon the Columbia river, be required by contract to deliver and receive the mail regularly every trip to and from every post office upon the north side of the Columbia river from Pacific city to Columbia city.

And our Delegate in Congress is requested to urge this memorial upon the attention of Congress.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED, March 22d, 1854.

MEMORIAL

Relative to the establishment of a mail route from Astoria at the mouth of the Columbia river in Oregon territory, to Olympia on Puget Sound, in the territory of Washington.

*To the Honorable, the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists, the Legislative Assembly of the territory of Washington, would respectfully represent to your honorable body that there are a large number of our citizens living between Astoria at the mouth of the Columbia river, in Oregon territory, and Olympia on Puget Sound, in the territory of Washington, who are deprived of the privilege of a regular mail ; and as a mail route established between the places aforesaid, running by the points hereafter mentioned, would accommodate said class of our citizens, your memorialists would pray your honorable body to establish a mail route between said places, to run as follows, to-wit : from said Astoria to Chinook, Edmonton, Tarlit, Oyster Beach and Brigham city ; thence by the nearest and best route to intersect the mail route as now established from Olympia to Gray's Harbor.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED, April 19th, 1854.

MEMORIAL

Relative to the extinction of Indian titles to lands in the Territory of Washington.

*To the Honorable, the Senate and House of Representatives
of the United States in Congress assembled :*

Your memorialists show that, although by an act passed by Congress and approved July 21st, 1852, the purchase of the Indian title to lands within that portion of this territory, then included in the territory of Oregon, lying on the western side of the Cascade mountains, was authorized by law, and no provisions have been made for carrying said act into effect, and that such title still remains unextinguished, and the lands still in the occupation of the Indians. Your memorialists further show that no provisions whatever have as yet been made for the purchase of the part of the territory lying east of said mountains, and that there are now settlements of whites east of said mountains ; that this district is occupied by numerous tribes of Indians, who, although at present are on friendly terms with the citizens of this territory, yet are warlike in their disposition, and may become still more so should further settlements be made among them without previous arrangement, and that the interests of this territory require that its citizens should be allowed at once to occupy that portion of this territory for agricultural and especially for grazing purposes, without molestation.

Your memorialists further show that, owing to the great extent of country embraced within the territory, and the number of Indian tribes to be dealt with, it is expedient that separate commissioners be appointed to treat for the extinction of their title in the two districts.

We therefore pray, that your honorable body will make provisions by law, for speedily carrying out the purposes of the act above mentioned, and also by further legislation for purchasing the title to the remaining lands in said territory ;

And your memorialists will ever pray.

F. A. CHENOWETH,
Speaker of the House of Representatives.
G. N. McCONAHA,
President of Council.

PASSED, April 12th, 1854.

M E M O R I A L

To Congress, praying the passage of an act, creating the office of Surveyor General of Public Lands in Washington Territory, and to provide for the Survey, and to make Donations to Settlers of the said Public Lands.

*To the Honorable, the Senate and House of Representatives
of the United States, in Congress assembled:*

Your Memorialists, the Legislative Assembly of the Territory of Washington, legally assembled on the 27th day of February, A. D. 1854, most respectfully represent to your honorable bodies, that the Act of Congress, approved September 27th, A. D. 1850, "creating the office of Surveyor General of the Public Lands in Oregon, and to provide for the Survey, and to make Donations to the Settlers of the said Public Lands," as well as the act of Congress amendatory of the act aforesaid, approved February 14th, A. D. 1853, has proved inadequate to the wishes or convenience of the people, in its practical operations; that for the want of a more wholesome land system, the settlement and improvement of the country has been greatly retarded, whilst the progress of towns and cities has been measurably paralyzed, owing to the prohibitory clause, contained in the 4th section of the act of 27th September, A. D. 1850, whereby all sales made of a donation right, prior to the issuing of a patent therefor, is declared to be void, &c. That the uncertainty of title, under such circumstances, prevents, to a great degree, the erection of valuable improvements upon town property.

Your Memorialists therefore represent, that it is absolutely and imperatively necessary, that Washington Territory should have a land system of her own, separate from, and wholly disconnected with that of Oregon Territory, because the physical make of the country, the difficulty of travel, and the enormous expense of getting from this Territory into Oregon, to which a greater portion of claimants in this Territory are subject, together with the remoteness of the office of the Surveyor General of Public Lands of Oregon, renders it impossible for settlers of this Territory to transact their business with the Surveyor General, without spending an amount of money almost equal to the purchase money of their lands, at government price. That from the northern settlements in Washington Territory to Oregon City, the office of said Surveyor General, more than three hundred miles have to be travelled, and, with our present traveling facilities, a person cannot go and return at a less expense than one hundred and fifty dol-

lars. That the settlers are thus burthened with an expense at once onerous and oppressive, and, in a great measure, deprived of intercourse with, or necessary instructions from, the Surveyor General.

These, together with numerous other difficulties, not here enumerated, leave no doubt in the minds of your memorialists, that Congress will, at its present session, enact a law creating the office of Surveyor General of the Public Lands in Washington Territory. As necessary provisions, to be incorporated in such an enactment, your memorialists most respectfully beg leave to suggest the following, to wit:—

1st. That all settlers upon the public lands in Washington Territory, who shall have received a Donation Certificate, be relieved from the prohibition not to sell any portion of their claims, until they shall have received a patent; and, that the certificate of the Surveyor General, in accordance with law, be prima facie evidence of title.

2d. That the Surveyor General be empowered to compel the attendance of witnesses to establish a donation right, and to give testimony in all cases of conflict of boundary, before the Surveyor General, or any other officer authorized to take depositions.

3d. That an appeal may be taken by any party aggrieved, from the decision of the Surveyor General, within one year, to the District Court of the county in which the land in controversy is situated: *Provided*, That if the land is situated in two or more counties, the appeal may be taken to either; and the Surveyor General shall furnish either party, on demand, with copies of all the papers and proceedings before him, which shall be prima facie evidence in said court; the party taking the appeal to give the opposite party twenty days notice, previous to the term of court when said appeal shall be tried; and such cause shall be tried in the same manner, as if the proceeding had been commenced in said court.

4th. That any person entitled to a donation of land, be allowed to settle upon and hold any irregular fraction of public land.

5th. That provisions be made, authorizing the proprietors of town sites to make conveyance of lots, and to give the purchaser a deed, which shall have all the validity as a conveyance, as though patent for the claim had regularly issued to the said proprietor, and perfect estoppel from any adverse claim made, in right of said proprietor, or his heirs or assigns.

6th. That where either parent, having child or children, shall have started for Washington Territory, and shall die on the way, the surviving parent, in his or her right, shall be entitled to take, on complying with the provisions of the law, as much land, and hold it, as though both parents had lived: *Provided*, That such land, taken in name of deceased parent, shall be held by the surviving parent, in trust for such child or children.

7th. That where either parent, being a citizen of the United States,

or shall have declared their intention to become such, shall have started for, or arrived in this Territory, and the other parent, though not yet started to said Territory, shall die, having a child or children, the surviving parent, by complying with the provisions of the law, to be entitled to the same amount of land that both parents and such child or children, would have been entitled to under the law.

8th. That where the husband and wife have started to this Territory, and both shall die on the road, or before locating a claim, and having a child or children, such child or children shall, by guardian, be entitled to locate and hold the same amount of land that both parents would have been, if living.

9th. That all widows, who may have left their homes for the purpose of settlement in this Territory, shall be entitled to the same amount of land as single men, by a compliance with the law.

10th. That all persons who shall have located claims, under the provisions of the present law, prior to the first day of January, A. D. 1852, be entitled to their patents, as soon as survey of the same shall be made, and they shall have and obtain a certificate of donation right from the Surveyor General. And all persons who shall have located claims subsequent to the first day of January, A. D. 1852, to be entitled to their patents by residing thereon for the term of two years, if he or she shall have made two hundred dollars worth of improvements thereon; or, after a residence of four years, having made four hundred dollars worth of improvements thereon: *Provided*, That a removal of timber from public lands, without an intention to reside thereon, be deemed as trespass; and that the value of improvements shall be estimated by the increase in value of the clearance of lands, for purposes of cultivation, or in actual erection of tenements or buildings thereon.

11th. That all American citizens, or those who have declared their intentions to become such, and American half breed Indians, on arriving at the age of twenty-one years, shall be entitled to the benefit of the act.

12th. That the provisions of the law be extended to an indefinite period.

13th. Each single person shall be entitled to receive, under this act, one hundred and sixty acres of land, and a man and wife three hundred and twenty acres of land: *Provided*, The estate of the wife be sole and separate, and not alienable for the debts or liabilities of her husband.

14th. That all persons, who have failed or neglected to take claims within the time prescribed by law, be permitted to take claims, as though they had just come into the country.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED March 28th, 1854.

M E M O R I A L

To Congress, asking for grant of Lands to build an University.

*To the Honorable, the Senate and House of Representatives
of the United States, in Congress assembled:*

Your Memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent, that the 10th section of the act, approved February 27th, 1850, entitled, "An act creating the office of Surveyor General of the Public Lands in Oregon, and to provide for the survey, and to make donations to settlers of the said public lands," provides that "there be, and hereby is, granted to the Territory of Oregon, the quantity of two townships of land, in said Territory, west of the Cascade mountains, and to be selected by the Legislative Assembly of said Territory, in legal subdivisions, after the same has been surveyed, and in such manner as it may deem proper; one to be located north, and the other south of the Columbia river, to aid in the establishment of a university;" and whereas, this was intended only to supply the wants of one Territory, as your memorialists verily believe, which object, by the division of the Territory, by the act of March 2d, 1853, entitled, "An act to establish the Territorial Government of Washington," is defeated, so far as this Territory is concerned; and whereas, your memorialists are of the opinion that the grant of two townships of land, for the purpose specified, is not more than is required.

Your memorialists would therefore pray your honorable body to donate two townships of land, in this Territory, to the Territory of Washington, in accordance with section 10, of the act above recited; and, should the townships so located be in part already taken or claimed by settlers, that the said Legislative Assembly may be allowed to select, from other unoccupied lands, an amount equal to that claimed by settlers upon the two townships, at the time of selection; and inasmuch as the Territory of Oregon has not, as yet, selected a township north of the Columbia river, to wit: in Washington Territory, your memorialists ask that the grant to Oregon, so far as the township north of the Columbia river is concerned, may be annulled, and your memorialists will ever pray, &c.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED March 22d, 1854.

MEMORIAL

To Congress asking a change in the Organic Act.

*To the Honorable, the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the territory of Washington, respectfully represent to your honorable body that great injustice will be done to several portions of this territory, by apportioning the representation to the Council and House of Representatives by the number of "qualified voters."

Your memorialists would therefore pray your Honorable body to so change the organic act of this territory as to leave the apportionment made by the "number of inhabitants."

F. A. CHENOWETH,
Speaker of House of Representatives.
G. N. McCONAHA,
President of Council.

PASSED, May 1st, 1854.

MEMORIAL

To Congress relative to the Puget Sound Agricultural Company.

*To the Honorable, the Senate and House of Representatives
of the United States in Congress assembled:*

Your memorialists, the Legislative Assembly of the territory of Washington, respectfully represent to your honorable body that great difference of opinion exists between the members of the Puget Sound Agricultural Company, and the citizens of this territory, in relation to the supposed rights acquired by said company under the provisions of the treaty with Great Britain, of limits westward of the Rocky mountains, concluded

June 15th, 1846. The fourth article of said treaty provides as follows: The farms, lands and other property of every description belonging to the Puget Sound Agricultural Company, on the north side of the Columbia river, shall be confirmed to the said company ; in case however, the situation of those farms and lands should be considered by the United States to be of public and political importance, and the United States government should signify a desire to obtain possession of the whole or any part thereof, the property so required shall be transferred to the said government at a proper valuation, to be agreed between the parties.

Your mémorialists believe the present to be an auspicious moment for the extinction of their title, if any they have, for the improvements upon the lands are now very limited in extent and trifling in character. Buildings once valuable, from long use, are now measurably worthless, and land once fertile which paid the tiller of the soil, are now become destitute of any fertilizing qualities ; that said farms are now of less value than the same amount of lands in a state of nature, and the only perceptible boundary in fact which distinguishes those lands from the wild lands of the government, is a sterility more palpable, and improvements which mar rather than beautify the face of nature. To save the country from this deterioration, from this blight of foreign influence on our soil, we but express the united wish of every true American citizen in Washington territory, in praying that this foreign company, whose agents and members are unfriendly to the liberal spirit of our free institutions, may be speedily removed from our midst that the progress and improvement of the country may cease to be retarded. Your memorialists believe that it is a matter of the first importance that the titles to lands which said company acquired by the provisions of the treaty (if they acquired any,) should be immediately extinguished, not on account of the value thereof, (which is but trifling,) but to effect their speedy removal.

In 1846, at the time the treaty was ratified, the amount of lands which the company had enclosed including the Cowlitz farms near the Cowlitz river and the land enclosed at Fort Nisqually, did not exceed two thousand acres in all ; yet the company claims at Fort Nisqually, two hundred and twenty-one square miles, and at the Cowlitz, six square miles, or in other words they claim any and all lands over which their herds of wild stock occasionally roamed, or were from time to time removed to for change of pasturage. A most intelligent and commendable portion of our citizens regarding the provisions of said treaty as confirming to said company only the said lands which were enclosed by their fences at the time the treaty was made, have settled upon and made valuable improvements on much of the then wild and unoccupied lands, believing the same to be government lands and subject only to settlement by American citizens ; yet a great

number of those who located many miles distant from the enclosure, occupancy or actual possessions of said company, have received written notices from its members and agents commanding them to leave their houses and homes accompanied by threats of prosecution in writs of ejectment and trespass. Your memorialists are fully aware that an authoritative interpretation of the treaty can alone be pronounced by the Judiciary, but in their representative capacity, in furtherance of the wish of their constituency, have thought it advisable to present to Congress a plain statement of facts, hoping thereby to direct the attention of the present administration to the absolute necessity of immediately ascertaining their boundaries and rights (if any they have,) and purchasing the same. Your memorialists cannot but regard the rights of said company to any lands other than those which they have enclosed or in their immediate occupancy and possession prior to fifteenth June, 1846, as wholly unfounded and inadmissible, and whilst your memorialists in common with other American citizens, desire that our country shall ever maintain her high and enviable reputation for the generous fulfilment of all her treaties, they cannot for a moment doubt that she will extend a protecting arm to the honest pioneer settler, and that that class of citizens who have made valuable improvements upon what they believe to be government domain, shall be secured in the title and possession thereof, whatever the rights of the Puget Sound Agricultural Company may be found to be.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED, March 23d, 1854.

MEMORIAL

Relative to claims of Lafayette Balch, and others, on account of the Expedition to Queen Charlotte's Island.

*To the Honorable, the Senate and House of Representatives
of the United States, in Congress assembled :*

Your Memorialists, the Legislative Assembly of the Territory of Wash-
c.24

ington, deeply sensible of the public and personal interest, consequent to all such cases of distress of American citizens, wherein no aid can be exerted but by their own government: and upon the payment of, or refusal to pay, all just demands incurred in rendering such aid, whether by an authorized or unauthorized public officer, would respectfully represent that—

A vessel named the "Georgiana," commanded by William Rowland, and having on board twenty-seven American citizens, which sailed from Olympia, on or about the third day of November, 1851, on a tour of exploration to the north west coast, in search of gold mines, said to exist on Queen Charlotte's Island, (inhabited only by savages,) was wrecked on or about the nineteenth day of said month, on the east coast of said Island, and the passengers, officers, and crew narrowly escaping with their lives, after reaching the shore, were, in mid-winter, in the high northern latitude of $53^{\circ} 53'$, stripped and robbed of their clothing, and made prisoners and slaves by the Indians, who daily threatened them with death or violence of some sort. In this deplorable condition, at such a season, and in such a severe climate, with masters scarce a degree removed from the brute species, with no other food than that of the most disgusting description, and almost entirely cut off from all communication with the world, the Indians themselves being at war with some of their neighbors, the unfortunate lot of our countrymen seemed a hopeless one. Their constant assurance to the Indians was, that if they were well treated, their great father, the President of the United States, would suitably reward them. The kindest treatment that can possibly be received at the hands of such a people, so utterly barbarous, is sickening and horrible, when contemplated by civilized man.

Upon a promise of payment, after much hesitation, they sent an express canoe, strongly manned by a number of their hardiest and boldest warriors, with a deputation from the prisoners, over boisterous waters, one hundred and sixty miles, to the Hudson Bay Company's establishment at Fort Simpson, to try the effect of beseeching to be rescued, by ransom or otherwise. Failing in this, no prospect seemed to be theirs save the very faint one, that in those comparatively unfrequented seas, some accident might present an opportunity of communicating with home government, and home friends. Such an opportunity offered, and a note was dispatched to Puget Sound, fifteen hundred miles distant, in which they expressed their belief that the Indians, whose stock of provisions was nearly exhausted, would spare their lives but a few days longer. Already had plans been laid for separating the prisoners, and selling them irreclaimably into the most abject slavery, among the barbarous tribes that inhabit far to the northward. Their note, on reaching the Sound, was first submitted, with its appeal on its face, to Capt. Hill, of the United States Army, command-

ing Fort Steilacoom, who declined to act. Mr. John Work, an officer of high rank in the Hudson Bay Company's service, being then at Fort Nisqually, was next called upon, who expressed great sympathy for the sufferers, and thought immediate relief should be afforded. He regretted however, that it was not in the power of the Hudson Bay Company to do any thing in the matter. The subject was then brought to the notice of Collector Moses, who took the responsibility of doing all that was necessary to effect the liberation of the prisoners, and his efforts proved successful. The entire number were soon rescued from imprisonment, slavery, filth, freezing, starving, and despair, and restored to their rightful enjoyments of American citizenship. The expense incurred in accomplishing the rescue, evidence of which is already before the Treasury department and your honorable body, having been disallowed by the department, merely because there was no appropriation to meet such cases, your memorialists respectfully and earnestly pray your honorable body to appropriate the sum of fifteen thousand dollars, to meet the indebtedness and interest thereon, on account of this transaction, and that direction may be given to cause said appropriation to be disbursed by the Governor or Secretary of this Territory; and your memorialists, as in duty bound, will ever pray, &c.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED March 21st, 1854.

MEMORIAL

Praying Congress to confirm to George Bush, a free Mulatto, and his heirs,
a section of Land.

*To the Honorable, the Senate and House of Representatives
of the United States, in Congress assembled:*

Your Memorialists, the Legislative Assembly of the Territory of Washington, legally assembled upon Monday, the twenty-seventh day of Febru-

ary, A. D. 1854, would most respectfully represent unto your honorable body, that George Bush, a free mulatto, with his wife and children, immigrated to, and settled in, now Washington Territory, Thurston county, in the year 1845, and that he laid claim to, and settled upon, with his family, 640 acres of land, in said year, in said Territory and county, and that he, with his family, has resided upon and cultivated said tract of land continuously, from the said year 1845 to the present time, and that his habits of life during said time, have been exemplary and industrious; and that by a constant and laborious cultivation of his said claim, and by an accommodating and charitable disposal of his produce to immigrants, he has contributed much towards the settlement of this Territory, the suffering and needy never having applied to him in vain for succor and assistance; and that at the present time the said George Bush has a large portion of his said claim under a high state of cultivation, and has upon it a good frame house, and convenient out-houses, in all amounting in value to several hundred dollars; and that in view of the premises aforesaid, your memorialists are of opinion that the case of the said George Bush is of such a meritorious nature, that Congress ought to pass a special law, donating to him his said claim: and your memorialists beg leave to call your attention to his said case, and to ask your honorable body to pass a law donating to the said George Bush the said 640 acres of land, upon which he now resides, the one-half to himself, and the other half to his wife, and to their heirs forever.

F. A. CHENOWETH,
Speaker of House of Representatives.

G. N. McCONAHA,
President of Council.

PASSED March 17th, 1854.

JOINT RESOLUTIONS.

JOINT RESOLUTION,

Relative to the Annexation of the Sandwich Islands.

Be it resolved by the Legislative Assembly of the Territory of Washington, That in the opinion of this Legislature, great advantage would result to this Territory, and to the United States of America, by the annexation of the Sandwich Islands.

F. A. CHENOWETH,
Speaker of the House of Representatives.
 G. N. McCONAHA,
President of the Council.

PASSED April 24th, 1854.

JOINT RESOLUTION,

Relative to the Settlement of the Northern Boundary of the United States.

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be, and he is hereby, instructed to use his influence with the present national administration, to effect a settlement of the conflict of boundary between the United States and Great Britain, involving our rights to the Island known as the "Archipelago De Arro," and take steps to remove the foreign trespassers from said Island, who are holding possession thereof, in violation of a proper construction of the provisions of the treaty of 1846.

F. A. CHENOWETH,
Speaker of the House of Representatives.
 G. N. McCONAHA,
President of the Council.

PASSED April 25th, 1854.

JOINT RESOLUTION,

Relative to the establishment of Mail Service, by way of Puget Sound, between Olympia and other points in the Territory of Washington, and San Francisco, New York, and New Orleans.

Resolved by the Legislative Assembly of the Territory of Washington, That the Delegate to Congress from this Territory, be requested to urge the passage of a law, at the present session of Congress, establishing a regular mail service, by way of Puget Sound, between Olympia and intermediate points in this Territory, and San Francisco, New York, and New Orleans, by any extension of the existing mail service between the Territory of Washington and the points aforesaid, and also the extension, as aforesaid, of any increased mail service which may be provided between these several points.

Resolved, That with a view to obtain the greatest mail facilities, as aforesaid, for this Territory, our Delegate be requested to urge the increase of the existing mail service of the United States, between the Atlantic and Pacific coasts, and points adjacent thereto, so that the means of communication, each way, shall be four times a month.

Resolved, That in the opinion of this Legislative Assembly, in case there shall be an additional semi-monthly mail service established by Congress, as aforesaid, that the same should be via the Isthmus of Nicaragua, so that the mails aforesaid may be transported each way semi-monthly, by both the Panama and the Nicaragua route.

Resolved, That the Senators and Representatives of California, and the Delegate from Oregon be, and they are hereby, invited to aid our Delegate in promoting the object aforesaid.

Resolved, That the Governor of the Territory transmit a copy of these resolutions to our Delegate in Congress, to each of the Senators and Representatives of California, and to the Delegate to the House of Representatives from the Territory of Oregon.

F. A. CHENOWETH,
Speaker of the House of Representatives.
 G. N. McCONAHA,
President of the Council.

PASSED March 22d, 1854.

JOINT RESOLUTION,

Relative to Appropriations for Territorial Roads.

WHEREAS, At the present session of the Legislative Assembly of the Territory of Washington, to meet the public necessities for communication, to connect the northern and southern extremities of the Territory, and to prepare for future defence, laws have been enacted locating a chain of Territorial roads, commencing at Bellingham Bay, near the British boundary line, and running southwardly through Seattle, the county seat of King county, and Steilacoom, the county seat of Pierce county, to Fort Vancouver, thence by way of the Cascades to the Dalles of the Columbia river, a distance of about three hundred miles, and providing for the levying of special taxes for the construction of the same: and

WHEREAS, The widely dispersed, exposed, and comparatively helpless condition of the people of the Territory, urgently demands that the construction of said roads shall not be delayed: and

WHEREAS, Said roads would be of great importance to the government of the United States, for military and postal purposes: and

WHEREAS, The utmost special taxation for the construction of said roads, that can be borne by the people of the Territory, would be insufficient to accomplish the much desired object: and

WHEREAS, For the construction of said roads, the assistance of the United States is absolutely indispensable: therefore,

Be it resolved by the Legislative Assembly, That our Delegate in Congress be, and is hereby, requested to exert his influence with the Congress of the United States, to cause the sum of fifty thousand dollars, and one section in each township along said road, to be appropriated in aid of the construction of said Territorial roads, and for necessary bridges along the same.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED April 20th, 1854.

JOINT RESOLUTION,

Relative to a Military Road from Steilacoom to Vancouver.

WHEREAS, The national government has established in the Territory of Washington military posts, the one on the Columbia river, and the other on Puget Sound, a distance apart some ninety miles, by a properly opened road. That in a large area of Territory—over three hundred thousand square miles—these two posts are the main reliance of its inhabitants against hostility from enemies without, and any danger likely to arise from difficulties with the Indian tribes within its borders. That the only security, in a sparsely populated country, of extended area, is in the convenience of communication from post to post. That the only existing direct communication between the said posts, must be made by way of the Cowlitz river, and is attended with much delay, expense, and risk, sufficient to justify the construction of a practicable military wagon road between the two said posts. That, located as we are on the north western frontier, should our nation ever engage in a foreign war, the presence of a very small hostile force in the Columbia river, above or near the mouth of the Cowlitz river, would cut off all communication between those posts, as also between the coast, and all parts of the interior. That the mails are, at present, carried up the Cowlitz river, at great expense, with great risk. The current of the river is very swift, subject to high freshets some four months in a year, and is filled with rapids and shoal places, making its navigation difficult and hazardous, and that only by boats of the lightest draught of water: therefore,

Be it resolved by the Legislative Assembly of the Territory of Washington, That our Delegate to Congress be instructed to use his influence to obtain an appropriation of thirty thousand dollars, to be expended in opening a practicable wagon road from Fort Vancouver, on the Columbia river, to Fort Steilacoom, on Puget Sound.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED March 21st, 1854.

JOINT RESOLUTION,

Instructing Delegate in Congress to ask for an Appropriation to complete the Military Road over the Cascade Mountains, &c.

Resolved by the House, the Council concurring, That our Delegate in Congress be, and hereby is, instructed to use his influence to obtain an appropriation of twenty-five thousand dollars, to be expended in completing the military road over the Cascade mountains, and in paying the amount expended by the citizens of Washington Territory last year, in opening said road.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED March 13th, 1854.

JOINT RESOLUTION,

Relative to a Military Road from the Dalles of the Columbia River to Vancouver.

WHEREAS, Great inconvenience, delay, and injury, results from the want of a practicable wagon road from the Fort at the Dalles of Columbia river, to Fort Vancouver, on the Columbia river; and

WHEREAS, Nature has plainly indicated, by the ample opening of the Columbia river, affording an easy passage through the Cascade mountains, that the great highway for the convenience of the emigrant and the transportation of troops and munitions of war, should be along the banks of the Columbia river, to Fort Vancouver; and

WHEREAS, It has been ascertained that logs and brush are the principal obstructions to a wagon road between the above named places, and that the large expenditures of money, and damage done to the property of the United States, and of officers, by the present expensive and difficult mode of transportation from one post to another, to say nothing of the se-

rious losses and inconveniences, occasioned by the obstruction of the river by ice, are such, that were this matter looked at in mere light of dollars and cents, the opening of this road by the general government would, in a short time, be a great saving of money; therefore,

Be it resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be instructed to use his best endeavors to obtain an appropriation of twenty-five thousand dollars, to be expended in opening a practicable wagon road from the fort at the Dalles, on the Columbia river, to Fort Vancouver.

F. A. CHENOWETH,
Speaker of the House of Representatives.
 G. N. McCONAHA,
President of the Council.

PASSED March 14th, 1854.

JOINT RESOLUTION,

Relative to his Excellency Gov. Stevens proceeding to Washington City.

Whereas, During the past year an expedition under the superintendence of his Excellency Isaac I. Stevens, has penetrated the hitherto unexplored regions between the Rocky mountains and the Mississippi river, developing results of immense interest to the country in general and to Washington territory in particular; and whereas, the continuance of such survey, having in view the connection of the valley of the Mississippi with the Pacific Ocean, cannot fail to be of the most vital importance to this territory.

Be it resolved by the Legislative Assembly of Washington territory, That in their opinion, no disadvantage can occur to this territory by his Excellency Gov. Stevens proceeding to Washington city, if in his judgment the interest of the Pacific Railroad Survey and the matters incidental thereto, can thereby be promoted.

F. A. CHENOWETH,
Speaker of the House of Representatives.
 G. N. McCONAHA,
President of Council.

PASSED March 6th, 1854.

JOINT RESOLUTION,

Relative to the proposed Railroad examination by Frederick W. Lander, Esq., Civil and Railroad Engineer of the South Pass of the Rocky mountains.

Whereas, Frederick W. Lander, Esq., a civil engineer of acknowledged reputation and high standing in his profession, has undertaken the examination of a railroad route from Puget Sound by the valley of the Columbia to the vicinity of the South or Bridgers pass of the Rocky mountains, to connect with a railroad to California ; and whereas, this examination is conducted at the present time that reliable information regarding the line in question, may reach Congress during its present session and prior to any final action upon the Pacific railroad routes ; and whereas, it is the opinion of this Legislature, that the result of this exploration will possess such a reliable, scientific and practical character, as to entitle it to equal consideration by Congress with those more officially conducted.

Resolved, That in view of the importance of this exploration, its scientific character and the value of its results, that our Delegate in Congress be, and hereby is, instructed to present the report of this examination to the Congress of the United States, and to use his best endeavors to procure its publication as a public document.

And be it further resolved, That our Delegate in Congress is instructed to use his efforts to procure such an appropriation as will compensate Mr. Lander for this arduous and perilous service, and repay the necessary expenses incurred by this survey.

F. A. CHENOWETH,
Speaker of the House of Representatives.

G. N. McCONAHA,
President of Council.

PASSED March 8th, 1854.

JOINT RESOLUTION,

Tendering the thanks of the Legislative Assembly to Frederick W. Lander, Esq., &c.

Resolved by the Legislature of Washington territory, That F. W. Lander, Esq., civil engineer, in undertaking the arduous and perilous enterprise at his own expense, of an exploration and survey of a railroad route by the valley of the Columbia through the Rocky mountains, a matter of the highest importance to the interests of this territory, is entitled to the gratitude of this Legislature, and we hereby tender him our thanks and best wishes for the success of his undertaking.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED March 8th, 1854.

JOINT RESOLUTION

Relative to Light Houses in the Straits of Juan de Fuca.

Resolved by the Legislative Assembly of the territory of Washington, That our delegate in Congress be and is hereby requested to exert his influence with the Congress of the United States, for an appropriation for the construction of three Light Houses ; one at Cape Flattery at the entrance of the Straits of Fuca, one on Blunt's Island, in the Straits of Fuca, and one at New Dunginess Sand Spit, Washington territory.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED April 29th, 1854

JOINT RESOLUTION

Relative to building Marine Hospital on Puget Sound.

Resolved by the Legislative Assembly of the Territory of Washington, That our delegate in Congress, be, and he is hereby requested to exert his influence with the Congress of the United States to obtain the passage of an act to establish a Marine Hospital on Puget Sound, and an appropriation for the construction of the same.

F. A. CHENOWETH,
Speaker of the House of Representatives.

G. N. McCONAHA,
President of Council.

PASSED March 4th, 1854.

JOINT RESOLUTION

Requesting Governor Stevens to forward to Delegate in Congress a census of men capable of bearing arms, and Delegate to make requisition for arms, equipments, &c.

Resolved by the Legislative Assembly of the territory of Washington, That the Governor be, and he is hereby requested to address the Delegate in Congress, informing him of the number of male citizens in this territory, between the ages of eighteen and forty-five, as appearing by the late census, and soliciting his influence to obtain a corresponding and sufficient supply and suitable variety of arms, equipments and amunition for the use of the militia of the territory.

F. A. CHENOWETH,
Speaker of the House of Representatives.

G. N. McCONAHA,
President of Council.

PASSED March 21st, 1855.

JOINT RESOLUTION,

Relative to Geological Survey of Washington Territory.

Resolved by the Legislative Assembly of Washington Territory, That our Delegate in Congress be, and he is hereby, requested to use his influence to secure an appropriation of ten thousand dollars, to complete the geological reconnoissance of Washington Territory, and to make more detailed examinations in the coal and mineral regions of said Territory.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED March 13th, 1854.

JOINT RESOLUTION

Asking Delegate to use his influence with the Government of the United States, to secure an appropriation of \$15,000 to build a depository of arms at the territorial Capital.

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be, and he is hereby requested to exert his influence with the Government of the United States, to cause to be erected at the Capital of the territory, at an expense not to exceed fifteen thousand dollars, a suitable fire proof building, as a depository of the arms, equipments and ammunition to be received from the United States for the use of the Militia.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED March 21st, 1854.

JOINT RESOLUTION

Relative to making Columbia City a Port of Delivery.

Resolved by the Legislative Assembly of Washington territory, That our Delegate in Congress be, and is hereby requested to use his best endeavors to have Columbia City on the Columbia river declared a port of delivery.

F. A. CHENOWETH,

Speaker of House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED March 16th, 1854.

JOINT RESOLUTION

Relative to Port of Delivery at Penn's Cove.

Resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be instructed to use his influence in Congress to have a port of delivery established at Penn's Cove, Island county, and one surveyor appointed for the same.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED April 29th, 1854.

JOINT RESOLUTION

Relative to making Port Gamble a Port of Delivery.

Resolved by the Legislative Assembly of the Territory of Washington,
That our Delegate in Congress be, and is hereby requested to use his influence with the Congress of the United States, to cause to be established at Port Gamble near the mouth of Hood's Canal, a port of delivery, and an appointment of a surveyor therefor.

F. A. CHENOWETH,
Speaker of the House of Representatives.
G. N. McCONAHA,
President of Council.

PASSED April 28th, 1854.

JOINT RESOLUTION,

Relative to making Bellingham Bay a Port of Delivery.

Resolved by the Legislative Assembly of the Territory of Washington,
That our Delegate in Congress be, and he is hereby requested to use his best endeavors to have the town of Whatcom at Bellingham Bay made a port of delivery, as the growing commerce and business of the place immediately demands such action.

F. A. CHENOWETH,
Speaker of the House of Representatives.
G. N. McCONAHA,
President of the Council.

PASSED April 28th, 1854.

JOINT RESOLUTION,

Relative to making Seattle a Port of Delivery.

Be it resolved by the Legislative Assembly of the Territory of Washington,
That our Delegate in Congress be, and he is hereby requested to use his
best endeavors to have Seattle made a port of delivery.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED March 21st, 1854.

JOINT RESOLUTION,

Relative to removing the office of Surveyor of Nisqually to Steilacoom.

Resolved by the Legislative Assembly of the Territory of Washington,
That our Delegate in Congress be, and he is hereby requested to exert his
influence with the Congress of the United States, to obtain the passage of
an act to amend the act creating the collection district of Puget Sound,
so as to authorize the surveyor of customs for the Port of Nisqually to re-
move his office to Steilacoom.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED March 21st, 1854.

JOINT RESOLUTION,

Relative to increase of salary of Collector of Customs, District of Puget Sound, and other Federal officers.

Resolved by the Legislative Assembly of the Territory of Washington,
That our Delegate in Congress be, and is hereby instructed to use his best endeavors to have the salary and emoluments of the office of collector of customs for the district of Puget Sound increased, so as to make the same equal to the collection district of Astoria, Oregon.

And that the same be made retrospective in its operations, so that the increase of salary may commence from the date of the first appointment for this district.

And also, that a proper increase be made to the salary of the other federal officers and the members of the Legislative Assembly.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED March 29th, 1854.

JOINT RESOLUTION,

Asking appropriations to defray expenses of Indian arrests, &c.

WHEREAS, Indian depredations are constantly occurring in the sparsely populated counties of this territory, where the few whites are incapable of repressing difficulties, executing legal process, and retaining Indians in custody after arrest, without considerable expense which the counties so sparsely inhabited are illy able to bear ; that while we believe that these expenses are necessary, and ought to be paid, and that the Indian Department of the Government is the most proper source from which such expenses should come ; therefore

Resolved by the Legislative Assembly of the Territory of Washington,

That our Delegate in Congress be, and he is hereby requested to secure the passage of an appropriation by Congress of two thousand dollars, as a contingent fund to meet the expenses of such arrests, the keeping of such parties in custody, and that such expenses already incurred, be directed to be paid by the superintendent of Indian affairs in this territory, out of such appropriation.

F. A. CHENOWETH,
Speaker of the House of Representatives.
 G. N. McCONAHA,
President of Council.

PASSED April 29th, 1854.

JOINT RESOLUTION

Asking Congress to relieve certain citizens of King County.

Resolved by the Council the House concurring, That our Delegate in Congress be requested to urge upon that body the prayer of the accompanying petition.

F. A. CHENOWETH,
Speaker of the House of Representatives.
 G. N. McCONAHA,
President of Council.

PASSED April 29th, 1854.

To the Honorable, the Legislative Assembly of the Territory of Washington, The petition of the undersigned citizens of King county in said Territory, sheweth :

That in the month of March in this present year, your petitioners, having received reliable information that an American citizen named William Young, a former resident of this county, had been murdered, and having been informed that the murderers were at large, encamped amongst the

Snohomish tribe of Indians in Holmes' Harbor, in Island county in said territory. And your petitioners being desirous of assisting the execution of the offended laws, by bringing said murderers to justice, did, on the fifth day of March last, proceed to said Holmes' Harbor, and then and there succeeded in arresting said murderers.

Your petitioners would further represent to your Honorable body, that in arresting said murderers they exposed themselves to great danger, and that one of their companions was mortally wounded in making the arrest of said murderers, and died in the town of Seattle in the county of King, in said territory, by reason thereof.

Your petitioners would further represent to your Honorable body, that they were all more or less severely wounded in making the arrest of said murderers, and in preventing their rescue. And they have, by reason of such wounds, been unable to follow their usual business or occupation to their very serious pecuniary injury and loss.

Your petitioners therefore, humbly pray your Honorable body to grant them relief for such injuries either by memorializing Congress on their behalf, asking for an appropriation to compensate them for their loss and injury, or by appropriating for their use a portion of the territorial funds (if such can be legally done,) as your Honorable body may determine ;

And your petitioners, as in duty bound will ever pray.

T. S. RUSSELL,
F. M. SYNER,
ROBT. R. PHILLIPS.

To the Honorable, the Legislative Assembly of the Territory of Washington, The petition of the undersigned citizens of King county in said Territory, sheweth :

That your petitioners, in common with many other citizens of the frontier counties of this territory, and on every side surrounded by large bodies of Indians, who occasionally commit crimes and depredations in their midst, which are invariably allowed to remain unpunished, owing to the smallness of the military force in the territory, and the weakness of the civil power by reason thereof.

That your petitioners anxious to assist in the execution of the laws, and the punishment of offenders, are compelled frequently to avail themselves of the assistance of volunteers in bringing such offenders to justice.

That your petitioners, having reason to believe that one of their fellow-

citizens had been barbarously robbed and murdered by some Indians, while travelling upon business upon the Sound, and having no other means of arresting the murderers but by the aid of volunteers, did avail themselves of the offer of the services of Dr. Charles Cherry, Thomas S. Russell, Francis M. Syner and Robert R. Phillips, four respectable citizens of the territory, to arrest and bring to justice said murderers.

That said volunteers armed themselves and proceeded in search of said murderers, and after diligent search succeeded in capturing them.

That said volunteers were exposed to great danger and opposed by large bodies of armed Indians, who fired upon them repeatedly, and by reason of such fire, Chas. Cherry was mortally wounded, and died of his wounds the succeeding day. That said T. S. Russell, F. M. Syner and R. R. Phillips were each severely wounded, and by reason of such wounds were rendered incapable of following any employment more or less to the present time.

Your petitioners therefore pray your Honorable body to allow said volunteers such compensation for their services as your Honorable body may in its wisdom deem just and reasonable ;

And your petitioners, as in duty bound will ever pray.

C. C. TERRY,
G. W. GYPSON,
WILLIAM FITZPATRICK,
GEO. W. LEE,
SAMUEL LAMBERT,
JOHN M. THOMAS,
H. SAVAGE,
A. C. PHELPS,
HENRY VAN ASSETT,
N. H. OGLEBEE,
DELOS WATERMAN,
CHAS. PLUMNER,
ROBERT H. BEATTY.
H. S. YESLER,
J. N. AYERS,
C. D. BOREN,
FRANKLIN MATTHIAS,
E. A. CLARK,
N. H. STEVENSON,
SAMUEL G. SOHNSON,
ENG. BARRIER,
EEMUND CARR,
T. S. BORDWELL,

L. V. WYCKOFF,
WM. GREENFIELD,
DR. J. WILLIMSON,
SAM. BECHTELHEIMER,
JOHN HENNING,
CHARLES McDONEL,
DAVID WAUZNY,
L. BETTMAN,
S. BETTMAN,
WM. H. CARR,
J. JOHN MOSS,
D. S. MAYNARD,
C. E. BRWNELL,
HENRY ADAMS,
THOMAS MERCER,
S. B. SIMMS,
H. BUTLER,
JOSEPH WARE,
E. M. SMITHERS,
GEORGE FRY,
S. FOSTER,
WM. HEEBNER,
Z. W. LEWMAN,

S. M. HOLDERNESS,
J. W. MARGRAVE,
H. H. TOBIN.
R. M. BIGELOW,

WILLIAM M. SMITH,
WM. C. SMITH,
JOHN MAJOR,
J. O. MARTIN, Island Co.

JOINT RESOLUTION,

Relative to the settlement of certain debts due from the United States on
account of the Marshal of Oregon.

WHEREAS, A large sum is due from the late Marshal of Oregon territory for the attendance of witnesses, jurors and other incidental expenses of the United States District court in the several counties of this territory, while the same constituted a portion of the territory of Oregon; and whereas, great inconvenience and expenses will result to those to whom such indebtedness belongs if they shall be compelled to settle with the Marshal of Oregon territory; therefore be it

Resolved by the Legislative Assembly of the territory of Washington,
That our Delegate in Congress be requested to urge upon the attention of Congress the importance of passing a law that will require said expenses and indebtedness to be paid by the Marshal of Washington territory, upon an allowance to be made by the district courts of the several counties where such indebtedness belongs.

F. A. CHENOWETH,
Speaker of the House of Representatives.
G. N. McCONAHA,
President of Council.

PASSED April 29th, 1854.

JOINT RESOLUTION

For the relief of the Secretary of the Territory.

Resolved by the Legislative Assembly of Washington Territory, That we have made a thorough examination of the circumstances attending the loss of some three thousand eight hundred and seventy-five dollars government funds by the absconding of Henry V. Colter, one of the firm and messenger of Parker & Colter's express, and are well satisfied that no blame can in any respect be attributed to the Secretary of the territory, as the mode adopted for the transmission to this place of funds from Portland, Oregon territory, was the one used by prudent business men in this section of country, and one in which all, up to the period of this unfortunate affair, had the fullest confidence. Inasmuch therefore, as we are satisfied that unless relieved by Congress, the Secretary of the territory will, over and above all Mr. Parker, the remaining partner of the said express firm can do, be a loser to a large amount ; therefore be it further

Resolved, That our Delegate in Congress be requested to urge upon Congress that authority be conferred upon the proper accounting officers in the Treasury Department, to allow in his accounts to the Secretary of the territory of Washington, a credit to the amount he shall actually lose, after deducting the amount collected from the said Parker, and not in all exceeding the said sum of three thousand eight hundred and seventy-five dollars.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED April 17th, 1854.

JOINT RESOLUTION

Relative to confirming claim to Edward Giddings, Jr.

WHEREAS, The land adjoining the town of Olympia on the north, is a low flat over which the tide flows to but a moderate depth, and which in

its present condition is an injury to the progress of said town, the same being an impediment to free navigation, vessels owing to such flats, being unable to come within three quarters of a mile of said town, but being compelled to discharge their cargoes at that distance, occasioning delay and additional expense to our merchants ; and whereas, Edward Giddings, Jr., of said town of Olympia, has located himself upon said flats in accordance with the act of Congress, approved September 27th, 1850, entitled "an act creating the office of Surveyor General of the public lands in Oregon, and to provide for the survey and to make donations to settlers of the said public lands, with the laudable intention of improving the same," which said improvements cannot fail to be of the greatest advantage to said town of Olympia, and to the persons interested ; and whereas, some doubts exist as to whether tracts of land of this description are subject to be located and settled upon under the provisions of the above act,

Be it resolved by the Legislative Assembly of the Territory of Washington, That our Delegate in Congress be instructed and requested to use his influence in Congress to procure the passage of an act confirming to Edward Giddings, Jr., the right to locate and hold said tract of land, bounded and described as follows : commencing at the north-west corner of Milas Gallaher's claim in township eighteen, (18) range two (2) west ; thence southerly bounded by said Gallaher's, C. H. Hale's, D. R. Bigelow's and J. M. Swan's claims in said township and range ; thence following the meanderings of the Sound to the west side of water street in said town of Olympia ; thence northerly five thousand six hundred and thirty-three feet (5633) to a buoy ; thence easterly to the point of beginning, the same containing three hundred and twenty acres, under and in accordance with said act of Congress, provided said Edward Giddings, Jr., shall within the space of three years from the first of January, 1854, make improvements to the amount of thirty thousand dollars—ten thousand yearly on said claim or flats.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of the Council.

PASSED March 27th, 1854.

JOINT RESOLUTION,

As to exchanges for the Library of the Territory of Washington.

Resolved by the Legislative Assembly of the Territory of Washington,
That fifty copies of the laws of the territory be annually placed at the disposal of the Secretary of the Territory, for the purpose of exchange with the Legislatures of other States and Territories and with learned Societies for the benefit of the territorial Library.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED April 15th, 1854.

JOINT RESOLUTION

Relative to copies of laws, &c., being furnished to Code Commission and the Clerks thereof.

Resolved by the Council the House, concurring, That one copy of the Journals of both branches of the Legislature, and one copy of the laws of the territory be presented to each of the members of the code commission and the clerks thereof.

F. A. CHENOWETH,

Speaker of the House of Representatives.

G. N. McCONAHA,

President of Council.

PASSED April 29th, 1854.

A PROCLAMATION

BY THE GOVERNOR OF THE TERRITORY OF WASHINGTON.

WHEREAS, By the 4th section of an Act of the Senate and House of Representatives of the United States in Congress assembled, entitled "An act to establish the Territorial government of Washington," it is provided that the first election in said Territory "shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the Governor shall appoint and direct : and he shall at the same time declare the number of members of the Council and House of representatives to which each of the counties or districts shall be entitled under this act ; and the Governor shall, by his proclamation, give at least sixty days' previous notice of such apportionment, and of the time, places and manner of holding such election."

And whereas, by the 14th section of said Act it is provided "That a delegate to the House of Representatives of the United State, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly who shall be entitled to the same rights and privileges as have been before exercised and enjoyed by the delegates from the several other Territories of the United States to the House of Representatives, but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places and be conducted in such manner, as the Governor shall appoint and direct ; of which and the time, place and manner of holding such elections he shall give at least sixty days' notice by proclamation."

And whereas, by the 18th section of said act it is further provided, "That until otherwise provided by law the Governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts by proclamation, to be issued by him."

Now, therefore, be it known that I, ISAAC I. STEVENS, Governor of the Territory of Washington, by virtue of the authority vested in me by said Act, do appoint and direct ; that the first election for the members of the Council and House of Representatives of the Legislature of the Territory of Washington and of the first Delegate to the House of Representatives of the United States, shall be held on Monday the 30th day of January, A. D. 1854, between the hours of 9 A. M. and 6 P. M.,—in the county

of Clarke, at Columbia City, at Cascade City and Walepta—in the county of Lewis, at Monticello, Cowlitz Landing, and Jackson's precinct—in the county of Pacific, at Chinook City and Pacific City—in the county of Thurston, at Olympia, at Shoalwater Bay, at Chambers' Prairie, and at Ford's—in the county of Pierce, at Steilacoom, and at Tallentire's—in the county of King, at Alki, and Seattle—in the county of Island, at Penn's Cove, and at Bellingham Bay—and in the county of Jefferson, at Port Townsend and Port Ludlow.

The members to be elected to the Council to be apportioned as follows: To the counties of Island and Jefferson, one ; to the counties of King and Pierce, two ; to the county of Thurston, two ; to the counties of Pacific and Lewis, two ; and to the county of Clarke, two.

The members to be elected to the House of Representatives to be apportioned as follows : To the county of Island one ; to the county of Jefferson, one ; to the county of King, one ; to the county of Pierce, three ; to the county of Thurston, four ; to the county of Pacific, one ; to the county of Lewis, two ; and to the county of Clarke, five.

The Judicial Districts to be as follows : For the First District, the counties of Pacific and Clarke ; for the Second District, the counties of Lewis and Thurston ; and for the Third District, the counties of Pierce, King, Island and Jefferson.

Courts to be holden in the First District, for the county of Pacific, at Chinook City, on the second Monday of January 1854 ; for the county of Clarke, at Columbia City, on the third Monday of January 1854. In the Second District, for the county of Lewis, at Cowlitz Landing, on the first Monday of January 1854 ; for the county of Thurston, at Olympia, on the fifth Monday of January 1854. In the Third District, for the county of Pierce, at Steilacoom, on the first Monday of February 1854 ; for the county of King, at Seattle, on the second Monday of February 1854 ; for the county of Island, at Coveland, on the third Monday of February 1854 ; and for the county of Jefferson, at Port Townsend, on the fourth Monday of February 1854.

There shall be three Judges of election, hereinafter appointed, who shall mutually administer oath to each other, and have power to designate the house or building where the election shall be held. In case any Judge herein appointed shall neglect or fail to attend, those attending shall have power to fill vacancies. They shall appoint two clerks, and administer oath to them ; shall by proclamation announce that the polls are open—proceed to open and hold the elections by ballot, and make returns thereof, under oath, to the Secretary of the Territory within five days after election, as provided by the laws of the Territory of Oregon.

The Judges hereby appointed for the various precincts of the Territory

are as follows : In the county of Clarke, at Columbia City, William H. Dillon, Kinzie Caples, and George W. Malick ; at Cascade City, S. M. Hamilton, George Griswold, and William Stevens ; at Wallepta, Lloyd Brook, ——— Bomford, and Cheruse.

In the county of Lewis, at Monticello, Harry Huntington, Seth Catlin, and Doctor Ostrander ; at Cowlitz Landing, E. D. Warbass, S. Pagett and George Drew ; at Jackson's Precinct, John R. Jackson, ——— Davis, and A. B. Dillinbough.

In the county of Pacific, at Chinook City, Washington Hall, James A. Scarborough, and G. P. Newell ; at Pacific City, Jehu Scudder, J. D. Holman, and G. W. Tillotson.

In the county of Thurston, at Olympia, James K. Hurd, C. Crosby, and Edmund Sylvester ; at Shoalwater Bay, John W. Champ, D. K. Welden, and John Vail ; at Chambers' Prairie, Andrew Chambers, S. D. Ruddell, and Gilmore Hays ; at Ford's, Sidney Ford, J. W. Goodell, and Layton Case.

In the county of Pierce, at Steilacoom, Lafayette Balch, Nicholas Delain, and John Chapman ; at Tallentire's, Thomas Tallentire, William P. Dougherty, and John Rigney ; in the county of King, at Alki, C. C. Terry, Samuel W. Russell, and Hilary Butler ; at Seattle, A. A. Denny, Henry L. Yesler, and D. S. Maynard.

In the county of Island, at Penn's Cove, Samuel Crockett, John Alexander, and S. D. Howe ; at Bellingham Bay, William R. Pattle, Henry Roder, and J. Dickinson.

In the county of Jefferson, at Port Townsend, L. B. Hastings, F. W. Pettygrove, and Albert Briggs ; at Port Ludlow, William T. Sayward, William Soule, and John Walker.

The members of the Legislature elected as herein provided will assemble at Olympia on Monday the twenty-seventh day of February, A. D. 1854.

Given under my hand at Olympia, this twenty-eighth day of November, in the year of our Lord one thousand eight hundred and fifty-three.

By the Governor,

I. I. STEVENS,

C. H. MASON, *Secretary of the Territory.*

Statement of number of votes and inhabitants in each county in Washington Territory, according to the census taken in the Fall of 1853, by J. Patton Anderson, United States Marshal.

| NAME OF COUNTIES. | NUMBER OF INHABITANTS. | NUMBER OF VOTERS. |
|-------------------|------------------------|-------------------|
| Island..... | 195 | 80 |
| Jefferson..... | 189 | 68 |
| King..... | 170 | 111 |
| Pierce..... | 513 | 276 |
| Thurston..... | 996 | 381 |
| Pacific..... | 152 | 61 |
| Lewis..... | 616 | 239 |
| Clarke..... | 1134 | 466 |
| Total..... | 3965 | 1682 |

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